

The Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

DREW MACEWEN, *et al.*,

Plaintiffs,

vs.

GOVERNOR JAY INSLEE, in his
official capacity as the Governor of
Washington,

Defendant.

NO. 3:20-cv-05423-BHS

DECLARATION OF
DAVID POSTMAN

I, David Postman, declare as follows:

1. I am over the age of 18, competent to testify as to the matters herein, and make this declaration based on my personal knowledge. I am currently employed as Chief of Staff to Governor Jay Inslee, a position I have held since December 14, 2015. Prior to becoming Chief of Staff, I served as Governor Inslee's Executive Director of Communications from 2013 to 2015.

2. Since the first appearance of the novel coronavirus (COVID-19) in the state of Washington, the Governor's Office has worked with the Washington State Department of Health (DOH), the state emergency management agencies, and others to remain informed of factual and scientific developments regarding the virus. The Governor has made clear that his decisions are based upon the best scientific and medical analysis available. The Governor has accordingly entered an emergency declaration and has made and modified more than 50 proclamations under

1 his emergency authority as changing facts, data, and scientific judgment have developed. The
2 team in the Governor's Office continues to work with others in state government to modify
3 proclamations as appropriate based on scientific and medical analysis of changing
4 circumstances. As the Governor has put it, public health measures in this emergency are more
5 akin to a dial that can be turned up and down, than to a switch that can be flipped on and off.

6 3. I want to emphasize the extent to which the Governor's actions have been guided
7 by science and data, as well as analysis performed by health professionals and medical modeling
8 experts. This means that the steps necessary to address public health challenges may vary as
9 circumstances change. The Governor is committed to transparency and ensuring the public is
10 informed of the latest developments in the pandemic and the State's response. For that reason,
11 the Governor has held regular televised briefings on the COVID-19 State of Emergency.

12 4. The Governor issued Proclamation 20-05 on February 29, 2020, proclaiming
13 "that a State of Emergency exists in all counties in the state of Washington."
14 Proclamation 20-05, available online at: [https://www.governor.wa.gov/sites/default/files/
15 proclamations/20-05%20Coronavirus%20%28final%29.pdf](https://www.governor.wa.gov/sites/default/files/proclamations/20-05%20Coronavirus%20%28final%29.pdf). Attached as Exhibit 1 is a true and
16 correct copy of Proclamation 20-5. At the time of that proclamation, the Centers for Disease
17 Control and Prevention (CDC) had identified the potential public health threat posed by COVID-
18 19 both globally and in the United States as "high." *Id.* Also at that time, DOH had confirmed
19 localized person-to-person spread of COVID-19.

20 5. Each of the later proclamations discussed below, and others not mentioned here,
21 were drafted as amendments to Proclamation 20-05, and other proclamations, reflecting the
22 developing and changing circumstances applicable to the emergency. Many of the proclamations
23 have been extended, often with amendment to reflect changed circumstances, beyond their
24 original expiration dates.

25 6. The Governor issued Proclamation 20-06 on March 10, 2020, addressing
26 additional steps needed to slow the transmission of COVID-19 in nursing homes and assisted

1 living facilities. Proclamation 20-06, available online at: <https://www.governor.wa.gov/sites/default/files/proclamations/20-06%20Coronavirus%20%28tmp%29.pdf>. Attached as Exhibit 2
 2 is a true and correct copy of Proclamation 20-6. By that time, confirmed cases of COVID-19 had
 3 spread to eight counties and resulted in 23 deaths in Washington.
 4

5 7. The Governor issued Proclamation 20-07 on March 11, 2020, modifying the
 6 earlier proclamations “to impose restrictions on large gatherings in King, Pierce, and
 7 Snohomish counties as provided herein.” Proclamation 20-07, available online at:
 8 <https://www.governor.wa.gov/sites/default/files/proclamations/20-07%20Coronavirus%20%28tmp%29.pdf>. Attached as Exhibit 3 is a true and correct copy of Proclamation 20-07. That
 9 proclamation prohibited in those three counties gatherings of 250 people or more “for social,
 10 spiritual and recreational activities including, but not limited to, community, civic, public,
 11 leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers;
 12 and similar activities.” *Id.* By that time, only one day after the prior proclamation, confirmed
 13 cases of COVID-19 had spread to nine counties and resulted in 24 deaths in Washington.
 14

15 8. The Governor issued Proclamation 20-08 on March 12, 2020, modifying earlier
 16 proclamations to prohibit the operation of public schools, charter schools, and private schools
 17 in King, Pierce, and Snohomish Counties. Proclamation 20-08, available online at:
 18 <https://www.governor.wa.gov/sites/default/files/proclamations/20-08%20Coronavirus%20%28tmp%29.pdf>. Attached as Exhibit 4 is a true and correct copy of Proclamation 20-8. The
 19 Governor noted in that proclamation that as of March 11, 2020, the World Health Organization
 20 had classified the global spread of COVID-19 as a pandemic, and urged all governments
 21 throughout the world to take action now to stem the spread of the disease. *Id.*
 22

23 9. The Governor issued Proclamation 20-09 on March 13, 2020, extending the
 24 proclamation for school closures to all counties of the state. Proclamation 20-09, available online
 25 at: <https://www.governor.wa.gov/sites/default/files/proclamations/20-09%20Coronavirus%20Schools%20Amendment%20%28tmp%29.pdf>. Attached as Exhibit 5 is a true and correct copy
 26

1 of Proclamation 20-9. On the same date, the Governor issued Proclamation 20-12, similarly
 2 prohibiting all public and private universities, colleges, technical schools, apprenticeship
 3 programs, and similar schools and programs from providing in-person classes in all counties.
 4 Proclamation 20-12, available online at: [https://www.governor.wa.gov/sites/default/files/
 5 proclamations/20-12%20Coronavirus%20College%20Closure%20%28tmp%29.pdf](https://www.governor.wa.gov/sites/default/files/proclamations/20-12%20Coronavirus%20College%20Closure%20%28tmp%29.pdf). Attached
 6 as Exhibit 6 is a true and correct copy of Proclamation 20-12.

7 10. The Governor issued Proclamation 20-13 on March 16, 2020, amending prior
 8 proclamations to prohibit “any number of people from gathering in any public venue in which
 9 people congregate for purposes of public entertainment, recreation, food and beverage service,
 10 theater, bowling, fitness and other similar activities, to include all public venues in which the
 11 serving, provision, or consumption of prepared food or beverages occurs at a table, bar, or for
 12 consumption within.” Proclamation 20-13, available online at: [https://www.governor.wa.gov/
 13 sites/default/files/proclamations/20-13%20Coronavirus%20Restaurants-Bars%20%28tmp%29
 14 .pdf](https://www.governor.wa.gov/sites/default/files/proclamations/20-13%20Coronavirus%20Restaurants-Bars%20%28tmp%29.pdf). Attached as Exhibit 7 is a true and correct copy of Proclamation 20-13. This proclamation
 15 prohibited the on-site consumption of food or beverages at public venues, including restaurants,
 16 bars, and similar locations. *Id.* The Proclamation also defined “public venue” to include “social
 17 clubs, private clubs, tennis clubs, golf clubs, faith-based organizations/facilities, and other
 18 similar venues.” *Id.*

19 11. Proclamation 20-13 also noted the rapid rise in COVID-19 cases in Washington.
 20 It recited that as of March 9, 2020, confirmed cases numbered 162, in nine counties, including
 21 21 deaths. By March 13, 2020, confirmed cases had risen to 568 cases in 15 counties, with 37
 22 deaths. And by March 15, 2020, confirmed cases further increased to 769 in 17 counties,
 23 including 42 deaths, with those 17 counties representing 85 percent of the State’s population. *Id.*

24 12. The Governor also issued Proclamation 20-14 on March 16, 2020, prohibiting
 25 public gatherings of any size, unless organizers of those activities comply with social distancing
 26 and sanitation measures established by the CDC or DOH. Proclamation 20-14, available online

1 at: <https://www.governor.wa.gov/sites/default/files/proclamations/20-14%20COVID-19%20-%20Prohibitions%20on%20Gatherings%20%28tmp%29.pdf>. Attached as Exhibit 8 is a true and
 2 correct copy of Proclamation 20-14.
 3

4 13. The Governor issued Proclamation 20-24 on March 19, 2020, restricting non-
 5 urgent medical procedures. Proclamation 20-24 is available online at:
 6 <https://www.governor.wa.gov/sites/default/files/proclamations/20-24%20COVID-19%20non-urgent%20medical%20procedures%20%28tmp%29.pdf>. Attached as Exhibit 9 is a true and
 7 correct copy of Proclamation 20-24. The Governor issued an Interpretive Statement Related to
 8 Proclamation 20-24 on April 29, 2020, permitting clinicians to use their judgment to determine
 9 whether to perform procedures considered non-urgent or elective, taking into account the harm
 10 to the patient of deferring versus performing the procedure. The Interpretive Statement is
 11 available online at: https://www.governor.wa.gov/sites/default/files/Non-Emergent%20Procedure%20Interpretive%20Statement%204.29.20%20%28tmp%29.pdf?utm_medium=email&utm_source=govdelivery. Attached as Exhibit 10 is a true and correct copy of
 12 the Interpretive Statement Related to Proclamation 20-24.
 13

14 14. The Governor issued Proclamation 20-24.1, amending and extending
 15 Proclamations 20-05 and 20-24 and reducing restrictions on non-urgent medical and dental
 16 procedures. Proclamation 20-24.1 is available online at:
 17 <https://www.governor.wa.gov/sites/default/files/20-24.1%20-%20COVID-19%20Non-Urgent%20Medical%20Procedures%20Ext%20.pdf>. Attached as Exhibit 11 is a true and correct
 18 copy of Proclamation 20-24.1. The proclamation permitted non-urgent health care and dental
 19 services, procedures, and surgeries so long as practitioners act in good faith and with reasonable
 20 clinical judgment to meet specified procedures and criteria.
 21

22 15. The Governor issued Proclamation 20-25, the Stay Home—Stay Healthy order
 23 on March 23, 2020. Proclamation 20-25, available online at: <https://www.governor.wa.gov/sites/default/files/proclamations/20-25%20Coronavirus%20Stay%20Safe-Stay%20Healthy>
 24
 25
 26

1 [%20%28tmp%29%20%28002%29.pdf](#). Attached as Exhibit 12 is a true and correct copy of
 2 Proclamation 20-25. This proclamation is at issue in this case, but has been amended and
 3 extended as described below. The Governor entered this Proclamation to protect the public
 4 health because, among other concerns, without such an order hospitals would reach capacity and
 5 become overwhelmed and hospital admissions had sharply increased. *Id.* By March 23, 2020,
 6 Washington had at least 2,221 cases of COVID-19, with 110 deaths. *Id.*

7 16. At a press conference on March 26, 2020, the Governor addressed requests for
 8 further information regarding compliance with the Stay Home—Stay Healthy order. Among
 9 those guidance topics, the Governor explained that religious institutions are permitted to have
 10 people present at a place of worship to ensure that online remote services can be provided to the
 11 flock. Governor Inslee Press Conference on COVID-19, available online at:
 12 <https://www.tvw.org/watch/?eventID=2020031188> (referenced remarks begin at 2:30 into the
 13 video).

14 17. The Governor issued Proclamation 20-25.1, an extension of the Stay Home—
 15 Stay Healthy order on April 2, 2020. Proclamation 20-25.1, available online at:
 16 [https://www.governor.wa.gov/sites/default/files/proclamations/20-25.1%20-%20COVID-19](https://www.governor.wa.gov/sites/default/files/proclamations/20-25.1%20-%20COVID-19%20%20Stay%20Home%2C%20Stay%20Healthy%20Extension%20%28tmp%29%29.pdf)
 17 [%20%20Stay%20Home%2C%20Stay%20Healthy%20Extension%20%28tmp%29%29.pdf](https://www.governor.wa.gov/sites/default/files/proclamations/20-25.1%20-%20COVID-19%20%20Stay%20Home%2C%20Stay%20Healthy%20Extension%20%28tmp%29%29.pdf).

18 Attached as Exhibit 13 is a true and correct copy of Proclamation 20-25.1. The Governor found
 19 that since the issuance of Proclamation 20-25, the number of confirmed cases and deaths in
 20 Washington had more than doubled, and there were then at least 5,984 cases of COVID-19 in
 21 Washington, with 247 deaths. Statistical models predicted that hospitals would reach capacity
 22 and be overwhelmed within a few weeks absent a slowing of the spread of the virus. *Id.*
 23 Proclamation 20-25.1 extended all of the provisions of Proclamation 20-25 until 11:59 p.m. on
 24 May 4, 2020.

25 18. On and after April 7, 2020, the Governor, through his staff, advised individuals,
 26 legislators, and media representatives that religious counseling, like non-religious counseling, is

1 deemed essential under the Stay Home—Stay Healthy proclamation, and further advised that if
 2 remote counseling was not possible, in-person counseling is permitted if the participants follow
 3 the recommended social distancing and sanitation practices. Such counseling could include, but
 4 is not limited to, one-on-one counseling, marriage counseling, and counseling for families in
 5 crisis. The Governor’s Office did not officially define “religious counseling,” trusting the
 6 individuals involved to determine what constitutes religious or spiritual counseling and when
 7 that counseling must be performed in person.

8 19. The Governor issued an addendum to Proclamation 20-25 on April 24, 2020,
 9 facilitating the limited restarting of construction work. Memorandum on Implementation of
 10 Phase 1 Construction Restart, available online at: [https://www.governor.wa.gov/sites/default/
 11 files/proclamations/20-25%20Addendum%20Implementation%20of%20Phase%201%20
 12 Construction%20Restart%20Proclamation.pdf](https://www.governor.wa.gov/sites/default/files/proclamations/20-25%20Addendum%20Implementation%20of%20Phase%201%20Construction%20Restart%20Proclamation.pdf). Attached as Exhibit 14 is a true and correct copy
 13 of the Memorandum on Implementation of Phase 1 Construction Restart. That memorandum
 14 rescinded previous guidance relating to construction and allowed low-risk construction activities
 15 meeting certain public health requirements developed with industry leaders to protect workers,
 16 as reflected in an accompanying set of 30-point job site requirements. *Id.*

17 20. The Governor issued Proclamation 20-25.2 on April 27, 2020, modifying the
 18 terms of Proclamation 20-25 as extended by Proclamation 20-25.1. Proclamation 20-25.2 is
 19 available online at: [https://www.governor.wa.gov/sites/default/files/proclamations/20-25.2%20
 20 Coronavirus%20Stay%20Home%20Amend%20%28tmp%29%20%28with%20links%29.pdf](https://www.governor.wa.gov/sites/default/files/proclamations/20-25.2%20Coronavirus%20Stay%20Home%20Amend%20%28tmp%29%20%28with%20links%29.pdf);
 21 Attached as Exhibit 15 is a true and correct copy of Proclamation 20-25.2. This proclamation
 22 amended the Stay Home—Stay Healthy order to authorize employees necessary to prepare for
 23 the re-opening of public lands for day-use to return to work. This is “in order to prepare for re-
 24 opening on May 5, 2020, . . . to operate and maintain day-use activity and trails, including those
 25 in state parks and state public lands, state hunting and fishing operations, golf operations, and
 26 day-use activities and trails in other public parks and public lands.” *Id.* The proclamation also

1 amended Proclamations 20-25 and 20-25.1 to allow, as of May 5, 2020, certain outdoor
 2 activities, including recreational hunting, fishing, and boating, outdoor exercise including
 3 hiking, walking, and biking, golfing, and day-use activities at public parks and public lands. *Id.*
 4 The proclamation also recited that as of April 27, 2020, “while there are currently at least 13,521
 5 cases of COVID-19 in Washington State with 749 associated deaths, current models predict that
 6 we have started to slow its spread throughout the State.” *Id.* The Governor further found that due
 7 to changing conditions the data and science “now permit adjustment of some of the prohibitions
 8 in Proclamation 20-25 and 20-25.1 to allow for some recreational activities and related
 9 employment, while continuing to protect the health and safety of all Washingtonians by
 10 retaining the remainder of the prohibitions imposed in Proclamations 20-25 and 20-25.1” *Id.*
 11 Proclamation 20-25.2 permitted outdoor recreational activities to commence only “so long as
 12 participants fully comply with social distancing and coronavirus related hygiene
 13 requirements” specifically referenced in the Proclamation. Those Hiking and Other Outdoor
 14 Activities Restart COVID-19 Requirements and Recommendations may be found at:
 15 [https://www.governor.wa.gov/sites/default/files/proclamations/Amending%20Proclamation%20](https://www.governor.wa.gov/sites/default/files/proclamations/Amending%20Proclamation%2020-25.2%20Outdoor%20Recreation%20Restart%20Guidelines.pdf)
 16 [20-25.2%20Outdoor%20Recreation%20Restart%20Guidelines.pdf](https://www.governor.wa.gov/sites/default/files/proclamations/Amending%20Proclamation%2020-25.2%20Outdoor%20Recreation%20Restart%20Guidelines.pdf). Attached as Exhibit 16 is
 17 a true and correct copy of those Requirements and Recommendations.

18 21. The Governor issued Proclamation 20-25.3 on May 4, 2020, modifying the
 19 terms of Proclamation 20-25 as extended by Proclamation 20-25.1 and 20-25.2. Proclamation
 20 20-25.3 is available online at: [https://www.governor.wa.gov/sites/default/files/20-25.3%20-](https://www.governor.wa.gov/sites/default/files/20-25.3%20-%20COVID-19%20Stay%20Home%20Stay%20Healthy%20-%20Reopening%20%28tmp%29.pdf)
 21 [%20COVID-19%20Stay%20Home%20Stay%20Healthy%20-%20Reopening%20%28tmp%29](https://www.governor.wa.gov/sites/default/files/20-25.3%20-%20COVID-19%20Stay%20Home%20Stay%20Healthy%20-%20Reopening%20%28tmp%29.pdf)
 22 [.pdf](https://www.governor.wa.gov/sites/default/files/20-25.3%20-%20COVID-19%20Stay%20Home%20Stay%20Healthy%20-%20Reopening%20%28tmp%29.pdf). Attached as Exhibit 17 is a true and correct copy of Proclamation 20-25.3. The proclamation
 23 sets forth the Governor’s phased reopening plan. As part of that plan, the proclamation allows
 24 counties with populations of 75,000 people or fewer, and without an identified COVID-19 case
 25 in the past three weeks, to request exemptions from the stay-home order. The proclamation
 26 allows “drive-in” religious services provided that participants are limited to “one household per

1 vehicle.” And the proclamation allows “additional low-risk activities” so long as participants
 2 fully comply with “industry specific requirements” as well as DOH “social distancing and
 3 hygiene requirements.” Those additional low-risk activities are: landscaping and lawn care,
 4 online vehicle and vessel sales; pet walking; retail (curb-side pick-up orders only); and
 5 car washes. Proclamation 20-25.3 also expressly states that religious counseling is deemed
 6 essential. The Governor’s phased reopening plan, Safe Start Washington, is available online at:
 7 https://www.governor.wa.gov/sites/default/files/SafeStartWA_4May20.pdf. Attached as
 8 Exhibit 18 is a true and correct copy of Safe Start Washington.

9 22. The Governor issued Religious and Faith-based Organization Guidance for Phase
 10 1 of Safe Start Washington on May 6, 2020, permitting drive-in spiritual services so long as
 11 vehicles are occupied by members of the same household. The Guidance is available online at:
 12 [https://www.governor.wa.gov/sites/default/files/Spiritual%20Drive-](https://www.governor.wa.gov/sites/default/files/Spiritual%20Drive-in%20Services%20Guidance%20Memo.pdf?utm_medium=email&utm_source=govdelivery)
 13 [in%20Services%20Guidance%20Memo.pdf?utm_medium=email&utm_source=govdelivery](https://www.governor.wa.gov/sites/default/files/Spiritual%20Drive-in%20Services%20Guidance%20Memo.pdf?utm_medium=email&utm_source=govdelivery).

14 Attached as Exhibit 19 is a true and correct copy of the Guidance.

15 23. The Governor issued Proclamation 20-25.4 on May 31, 2020, modifying the
 16 terms of Proclamation 20-25 as extended and amended by Proclamation 20-25.1, 20-25.2, and
 17 20-25.3, renaming those proclamations as Safe Start – Stay Healthy, and extending their
 18 expiration date to July 1, 2020. Proclamation 20-25.4 is available online at:
 19 [https://www.governor.wa.gov/sites/default/files/20-25.4%20-%20COVID-](https://www.governor.wa.gov/sites/default/files/20-25.4%20-%20COVID-19%20Safe%20Start.pdf)
 20 [19%20Safe%20Start.pdf](https://www.governor.wa.gov/sites/default/files/20-25.4%20-%20COVID-19%20Safe%20Start.pdf). Attached as Exhibit 20 is a true and correct copy of Proclamation 20-
 21 25.4. The proclamation sets forth the Governor’s phased reopening county-by-county plan. As
 22 part of that plan, counties that have been in the first two phases of the phased reopening plan for
 23 three weeks to apply to the Secretary of Health to move to the next phase. The plan sets out
 24 target metrics for evaluation of county applications and allows approval of an application in
 25 whole or in part. The Governor’s phased county-by-county reopening plan, Safe Start
 26 Washington: Phased Reopening County-by-County, is available online at:

1 <https://www.governor.wa.gov/sites/default/files/SafeStartPhasedReopening.pdf>. Attached as
 2 Exhibit 21 is a true and correct copy of the Safe Start Washington Phased Reopening County-
 3 by-County Plan.

4 24. The Governor's Office initially convened a broad group of faith leaders on May
 5 8, 2020, to discuss the reopening of religious organizations and spiritual services, and to seek
 6 input on guidance that would allow commencing in-person religious services in a safe manner.
 7 The Governor personally participated in the second meeting, which was held on May 14, 2020.
 8 Arising out of the work of that group, the Governor issued Phase 1 and 2 Religious and Faith-
 9 based Organization COVID-19 Requirements in connection with the phased reopening plan,
 10 permitting in-person spiritual worship. These Requirements are available online at:
 11 [https://www.governor.wa.gov/sites/default/files/COVID19Phase1and2ReligiousAndFaithBase](https://www.governor.wa.gov/sites/default/files/COVID19Phase1and2ReligiousAndFaithBasedGuidance.pdf?utm_medium=email&utm_source=govdelivery)
 12 [dGuidance.pdf?utm_medium=email&utm_source=govdelivery](https://www.governor.wa.gov/sites/default/files/COVID19Phase1and2ReligiousAndFaithBasedGuidance.pdf?utm_medium=email&utm_source=govdelivery). Attached as Exhibit 22 is a true
 13 and correct copy of the Requirements. The requirements permit in-person spiritual worship
 14 outdoors with up to 100 individuals, and indoors with up to 25% capacity or 50 individuals,
 15 whichever is less (excluding organization staff). A third meeting, held June 11, 2020, was
 16 convened to discuss, among other things, Phase 3 requirements. This third meeting also included
 17 discussion of potential requirements for a county in Phase 1.5. Phase 3 requirements will
 18 continue to be discussed with these faith leaders the week of June 15. These meetings invited a
 19 broad range of religious leaders to participate, as well public health officials, and participation
 20 has grown to include over 30 representatives of different religious organizations. More
 21 specifically, at the June 11 meeting, in addition to public health officials, leaders of the following
 22 religions and faiths were invited to participate: Christianity, including but not limited to
 23 Orthodox, Catholic, Evangelical, Pentecostal, Protestant, Lutheran, Methodist, and Baptist;
 24 Judaism; Islam; Buddhism; Hinduism; and Sikhism. Notably, the Governor's Office has
 25 consistently received a "divided message" from faith leaders during these work group meetings,
 26 including at the June 11 meeting, with some leaders advocating for fewer restrictions and others

1 expressing their strong position that it is not yet safe to reopen any place of worship for in-person
 2 services. As part of this process, the Governor's Office is also communicating frequently with
 3 religious leaders outside of these group meetings, and is receiving input on proposed
 4 recommendations for making potential modifications.

5 25. As of June 10, 2020, six counties are in Phase 1; 25 counties have moved to Phase
 6 2; and eight counties have moved to Phase 3 under the Safe Start Washington Phased Reopening
 7 County-by-County Plan. Updated data on phased reopening is available online at:
 8 <https://coronavirus.wa.gov/what-you-need-know/covid-19-risk-assessment-dashboard>.

9 26. On June 10, 2020, the Governor reiterated in a press conference that the Safe Start
 10 proclamation and all social distancing requirements remain in place. Video of the press
 11 conference is available online at: <https://perma.cc/2ZEJ-YP2Z> (referenced remark starts at 14:14
 12 in the video).

13 27. The Governor issued guidelines for enforcement of his COVID-19 related
 14 proclamations on March 30, 2020. The Guidelines for Enforcement of Governor Inslee's
 15 COVID-19 Proclamations are available online at:
 16 [https://coronavirus.wa.gov/sites/default/files/2020-04/StayatHomeOrder-](https://coronavirus.wa.gov/sites/default/files/2020-04/StayatHomeOrder-Guidelines%20for%20Enforcement.pdf)
 17 [Guidelines%20for%20Enforcement.pdf](https://coronavirus.wa.gov/sites/default/files/2020-04/StayatHomeOrder-Guidelines%20for%20Enforcement.pdf). Attached as Exhibit 23 is a true and correct copy of the
 18 Guidelines. The guidelines set forth an "absolute goal" of voluntary compliance with the
 19 proclamations, accomplished through education about the proclamations and the reasons for
 20 compliance. For individuals reported to violate the proclamations, local law enforcement
 21 agencies are the appropriate enforcement authority "based on their policies and procedures." For
 22 businesses reported to violate the proclamations, local law enforcement agencies are also the
 23 appropriate enforcement authority unless the business is regulated by the Department of Health,
 24 Department of Licensing, Washington State Liquor and Cannabis Board, or Labor and
 25 Industries, in which case the relevant agency would take further review and action. Law
 26

1 enforcement agencies “will determine appropriate actions based on the law enforcement agency
2 policy.”

3 28. The Governor’s Office has received and responded to hundreds of thousands of
4 inquiries from state and local government officials, media, and constituents, including requests
5 guidance on the stay-home order. The Governor’s Office continues to monitor evolving
6 circumstances in light of new data and scientific analysis, in conjunction with DOH and others.
7 This includes discussion and consideration of further relaxing emergency public health measures
8 as conditions warrant. The circumstances and scientific and medical indications constantly
9 develop, and I anticipate continuing amendments to the Governor’s Proclamations.

10 I declare under penalty of perjury under the laws of the State of Washington and the
11 United States that the foregoing is true and correct.

12 SIGNED this 11 day of June, 2020 at Olympia, Washington.

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16 DAVID POSTMAN
17 Chief of Staff, Office of the Governor
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Exhibit 1

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
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PROCLAMATION BY THE GOVERNOR

20-05

WHEREAS, On January 21, 2020, the Washington State Department of Health confirmed the first case of the novel coronavirus (COVID-19) in the United States in Snohomish County, Washington, and local health departments and the Washington State Department of Health have since that time worked to identify, contact, and test others in Washington State potentially exposed to COVID-19 in coordination with the United States Centers for Disease Control and Prevention (CDC); and

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person; and

WHEREAS, The CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as “high”, and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and

WHEREAS, On January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19, beginning on January 27, 2020; and

WHEREAS, The CDC currently indicates there are 85,688 confirmed cases of COVID-19 worldwide with 66 of those cases in the United States, and the Washington State Department of Health has now confirmed localized person-to-person spread of COVID-19 in Washington State, significantly increasing the risk of exposure and infection to Washington State’s general public and creating an extreme public health risk that may spread quickly; and

WHEREAS, The Washington State Department of Health has instituted a Public Health Incident Management Team to manage the public health aspects of the incident; and

WHEREAS, The Washington State Military Department, State Emergency Operations Center, is coordinating resources across state government to support the Department of Health and local officials in alleviating the impacts to people, property, and infrastructure, and is assessing the magnitude and long-term effects of the incident with the Washington State Department of Health; and

WHEREAS, The worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and Washington State significantly impacts the life and health of our people, as well as the economy of Washington State, and is a public disaster that affects life, health, property or the public peace.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency exists in all counties in the state of Washington, and direct the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented. State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the outbreak.

As a result of this event, I also hereby order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Signed and sealed with the official seal of the state of Washington this 29th day of February, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

Exhibit 2

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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**PROCLAMATION BY THE GOVERNOR
AMENDING 20-05**

20-06

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, since the initial confirmed case of COVID-19 in the United States, in Snohomish County, Washington, on January 21, 2020, it has spread to eight counties of Washington State resulting in 23 deaths; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher in those members of our population who are 60 years of age and older and those with chronic health conditions; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who are living in congregate settings, such as long-term care facilities, and most residents of long-term care facilities are at increased risk for severe COVID-19; and

WHEREAS, infected facility staff and visitors can introduce a virus into the population and start an outbreak; and

WHEREAS, the worldwide outbreak of COVID-19 and the resulting epidemic in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property, and the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department, Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Washington State Department of Health in assessing the magnitude and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that

Proclamation 20-05 remains in effect and is amended as provided herein, and that a State of Emergency continues to exist in all counties of Washington State. I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 epidemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h) to help preserve and maintain life, health, property or the public peace, I hereby prohibit the following activities in all counties of Washington State related to the operation of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20, which restrictions shall remain in effect until midnight on April 9, 2020:

1. Owners, administrators, operators, staff, contractors, and volunteers of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 are prohibited from allowing a person to enter the facility and visit a resident unless that person is an adult, the resident has not already had a visitor that day, and the visit takes place in the resident's room. This prohibition does not apply in end of life situations.
2. No person is allowed to visit a resident of a nursing home licensed under RCW 18.51 or an assisted living facility licensed under RCW 18.20 unless they have been screened prior to entry for signs or symptoms of COVID-19, including fever of 100.4 or higher, cough, or difficulty breathing, or contact with a person with a confirmed diagnosis of COVID-19 in the last 14 days, or are under investigation for COVID-19. Precautionary measures may include, but are not limited to, wearing personal protective equipment, social distancing, or visiting in designated locations.
3. No person is allowed to visit a resident of a nursing home licensed under RCW 18.51 or an assisted living facility licensed under RCW 18.20 unless they show identification, sign into a visitor's log that includes date, time in and time out, and provide their name and contact information, including phone number and email address if available.
4. Operators and staff of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 are prohibited from destroying each day's visitor log for 30 days.
5. Owners, administrators, and operators of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 are prohibited from allowing a person to work or volunteer in the facility unless the person has been screened at the start of every shift and does not show any symptoms associated with COVID-19, including fever of 100.4 or higher, cough, or difficulty breathing.

6. Residents of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 that have one or more residents, staff, contractors or volunteers subject to a Washington State Department of Health or local health department recommendation or order of isolation or quarantine for COVID-19 need to be isolated in their rooms away from other people. A resident can choose to discharge from a facility at any time.
7. Owners, administrators, operators, staff, and volunteers of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 are prohibited from disclosing protected and confidential health information except as otherwise provided by law or with consent from the resident.

Nursing homes and assisted living facilities subject to these prohibitions are strongly encouraged to explore, adopt and implement reasonable alternative methods to provide access for residents to mitigate the impacts of these prohibitions.

ADDITIONALLY, based on the above situation, and to support implementation of the activities prohibited above, I also hereby find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action in coping with the COVID-19 State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below is hereby waived and suspended until midnight on April 9, 2020:

1. RCW 70.129.090(1)(f), in its entirety:
“(f) Subject to reasonable restrictions to protect the rights of others and to the resident's right to deny or withdraw consent at any time, immediate family or other relatives of the resident and others who are visiting with the consent of the resident;”
2. RCW 70.129.090(2), in its entirety:
“(2) The facility must provide reasonable access to a resident by his or her representative or an entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.”
3. RCW 70.129.140(2)(b), in its entirety:
“(b) Interact with members of the community both inside and outside the facility;”
4. RCW 70.129.140(3), in its entirety:
“(3)(a) A resident has the right to organize and participate in resident groups in the facility.
(b) A resident's family has the right to meet in the facility with the families of other residents in the facility.
(c) The facility must provide a resident or family group, if one exists, with meeting space.
(d) Staff or visitors may attend meetings at the group's invitation.
(e) When a resident or family group exists, the facility must listen to the views and act upon the grievances and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the facility.
(f) The resident has the right to refuse to perform services for the facility except as voluntarily agreed by the resident and the facility in the resident's service plan.”
5. RCW 70.129.140(4), in its entirety:
“(4) A resident has the right to participate in social, religious, and community activities that do not interfere with the rights of other residents in the facility.”

6. RCW 70.129.140(5), in its entirety:
“(5) A resident has the right to:
(a) Reside and receive services in the facility with reasonable accommodation of individual needs and preferences, except when the health or safety of the individual or other residents would be endangered; and
(b) Receive notice before the resident's room or roommate in the facility is changed.”
7. WAC 388-97-0520(1)(g), in its entirety:
“(g) Subject to the resident’s right to deny or withdraw consent at any time, immediate family or other relatives of the resident;”.
8. WAC 388-97-0520(1)(h), in its entirety:
“(h) Subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time, others who are visiting with the consent of the resident.”

All persons are advised of potential criminal penalties for violation of this order pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

Exhibit 3

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-06**

20-07

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, on March 10, 2020, as a result of significant risks from COVID-19 to persons living in congregate care settings, I issued Proclamation 20-06 amending Proclamation 20-05 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, has been confirmed in 9 counties of Washington State resulting in 24 deaths, with significant community spread in King, Pierce, and Snohomish counties; and

WHEREAS, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention and the Washington State Department of Health (DOH) recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in smaller gatherings; and

WHEREAS, implementation of limitations on large gatherings and use of social distancing prevent initial exposure and secondary transmission to our most vulnerable populations, and are especially important for people who are over 60 years old and those with chronic health conditions due to the higher risk of severe illness and death from COVID-19; and

WHEREAS, the worldwide outbreak of COVID-19 and the resulting epidemic in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property and the public peace; and

WHEREAS, the DOH continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that Proclamations 20-05 and 20-06 remain in effect and are amended to impose restrictions on large gatherings in King, Pierce, and

Snohomish counties as provided herein, and that a State of Emergency continues to exist in all counties of Washington State. I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 epidemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(b) and RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the following activities in King, Pierce and Snohomish counties related to social, spiritual, and recreational gatherings, which restrictions shall remain in effect until midnight on March 31, 2020, unless extended beyond that date:

Gatherings of 250 people or more for social, spiritual and recreational activities including, but not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 11th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

Exhibit 4

JAY INSLEE
Governor



STATE OF WASHINGTON

OFFICE OF THE GOVERNOR

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**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-06 AND 20-07**

20-08

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, on March 10, 2020, as a result of significant risks from COVID-19 to persons living in congregate care settings, I issued Proclamation 20-06 amending Proclamation 20-05, to prohibit certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, on March 11, 2020, as a result of community spread of COVID-19 in King, Pierce and Snohomish counties, I issued Proclamation 20-07, amending Proclamations 20-05 and 20-06, to prohibit social, spiritual and recreational gatherings of 250 people or more; and

WHEREAS, the spread of COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, continues to expand throughout our State, with the confirmed number of cases in the Puget Sound region expected to double every five to seven days, without any expectation of ending soon; and

WHEREAS, as of March 11, 2020, the World Health Organization has classified the global spread of COVID-19 as a pandemic, and has urged all governments throughout the world to take action now to stem the spread of the disease; and

WHEREAS, to curtail the spread of COVID-19 in Washington State, it is necessary to implement additional stringent social distancing and other measures to limit opportunities for disease transmission, especially in those areas of our State experiencing the most severe outbreaks, to include King, Pierce and Snohomish counties; and

WHEREAS, while implementation of restrictions on large social, spiritual, and recreational gatherings in King, Pierce and Snohomish counties is one necessary piece of a successful strategy for limiting transmission and spread of COVID-19, it must be supplemented by additional measures to help prevent initial exposure and secondary transmission; and

WHEREAS, many schools in King, Pierce and Snohomish counties are experiencing significant student and staff absences, resulting in some schools having difficulty providing adequate staffing; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the DOH continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that Proclamations 20-05, 20-06 and 20-07 remain in effect and are amended to prohibit public school districts, charter schools, and private schools in King, Pierce and Snohomish counties from conducting in-person educational, recreational, and other K-12 school programs in their school facilities as provided herein, and that a State of Emergency continues to exist in all counties of Washington State.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 epidemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the following activities by public school districts, charter schools, and private schools in King, Pierce and Snohomish counties, which restrictions shall remain in effect from 12:01 a.m. on March 17, 2020, until 12:00 p.m. on April 24, 2020, unless extended beyond that date:

Each public school district, charter school, and private school located in King, Pierce and Snohomish counties is prohibited from conducting in-person educational, recreational, and other K-12 school programs using their school facilities. In addition to school districts lying wholly within King, Pierce, or Snohomish counties, the following joint school districts are subject to this order: Bainbridge Island, Stanwood-Camano, and Darrington.

Additionally, the Washington Center for Deaf and Hard of Hearing Youth, the Washington School for the Deaf, and the Washington State School for the Blind are prohibited from conducting student educational and outreach services in King, Pierce and Snohomish counties.

Nothing in this order shall be construed as precluding a public school district, charter school, or private school located in King, Pierce, or Snohomish counties from using their school facilities to provide childcare, nutrition programs, and other social services necessary to preserve and maintain life, health, property or the public peace.

Further, nothing in this order shall be construed as precluding public school districts, charter schools, or private schools from providing supports to students necessary to meet course and credit requirements for high school graduation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 12th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

Exhibit 5

JAY INSLEE
Governor



STATE OF WASHINGTON

OFFICE OF THE GOVERNOR

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**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-06, 20-07, and 20-08**

20-09

Statewide K-12 School Closures

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, and 20-08 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the spread of COVID-19 has been classified by the World Health Organization as a pandemic that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the COVID-19 disease has spread quickly across the state of Washington, beyond the original community outbreaks in King, Pierce, and Snohomish counties, significantly increasing the threat of significant associated health risks statewide; and

WHEREAS, confirmed cases of COVID-19 have now spread to 15 counties in Washington State, which represents 75% of the State's population, and the number of positive test results have increased 29% in the last four days; and

WHEREAS, while we do not fully understand the role children have in transmitting the virus, we do know they have a significant role in transmitting other respiratory viruses; and

WHEREAS, to curtail the spread of COVID-19 in Washington State, it is necessary to implement additional stringent measures to limit opportunities for disease transmission statewide beyond King, Pierce, and Snohomish counties; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues

coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamations 20-05, 20-06, 20-07, and 20-08 remain in effect, and that Proclamation 20-08, pertaining to activities by public school districts, charter schools, and private schools, is amended to expand its application to all counties of the state of Washington, and shall continue to remain in effect from 12:01 a.m. on March 17, 2020, until 12:00 p.m. on April 24, 2020, unless extended beyond that date.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 13th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

Exhibit 6

JAY INSLEE
Governor



STATE OF WASHINGTON
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**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-06, 20-07, 20-08,
20-09, 20-10, and 20-11**

20-12

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, and 20-11, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, COVID-19 continues to spread throughout Washington State with no expectation of ending soon, and is currently expected to result in the confirmed number of cases doubling in the Puget Sound region every five to seven days; and

WHEREAS, the World Health Organization has classified the global spread of COVID-19 as a pandemic and urges immediate action to stem the spread of the disease; and

WHEREAS, to curtail the spread of COVID-19 in Washington State, it is necessary to implement additional stringent social distancing and other measures to limit opportunities for disease transmission, especially in those areas of our state experiencing the most severe outbreaks; and

WHEREAS, many public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs have already cancelled classes or implemented alternative learning options to address social distancing recommendations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamations 20-05, 20-06, 20-07, 20-08, 20-09, 20-10, and 20-11, remain in effect, and that Proclamation 20-05 is amended to prohibit all public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs from conducting in-person classes in all counties of Washington State. I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the following activities in all counties of Washington State related to the operation of all public and private public and private universities, colleges, technical schools, apprenticeship and similar programs, which restrictions shall remain in effect from 12:01 a.m. on March 17, 2020, until 12:00 p.m. on April 24, 2020, unless extended beyond that date:

All public and private universities, colleges, technical schools, apprenticeship and similar programs are prohibited from conducting in-person classroom instruction and lectures related to all educational and apprenticeship related programs.

This prohibition does not apply to the conduct and operation of school and program affiliated labs and clinics, if either (1) social distancing measures are strictly implemented and monitored by designated school officials or (2) clinical protocols that are in alignment with public health guidelines are followed.

Nothing in this Proclamation shall be construed to apply to the conduct and operation of dormitory services, general administrative services, safety programs, research or medical facilities.

Nothing in this Proclamation is intended to prevent institutions from taking appropriate steps to preserve accreditation, student financial aid or student visa status.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 13th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

Exhibit 7

JAY INSLEE
Governor



STATE OF WASHINGTON

OFFICE OF THE GOVERNOR

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**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-13

Statewide Limits: Food and Beverage Services, Areas of Congregation

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, and 20-12, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the spread of COVID-19 has been classified by the World Health Organization as a pandemic that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the COVID-19 disease has and continues to spread quickly across the state of Washington, beyond the original community outbreaks in King, Pierce and Snohomish counties, drastically increasing the threat of significant associated health risks statewide; and

WHEREAS, on March 9, confirmed cases of COVID-19 infection in Washington totaled 162 in nine counties, including 21 deaths; and on March 13, confirmed cases increased to a total of 568 in 15 counties, including 37 deaths; and on March 15, confirmed cases further increased to 769 in 17 counties, including 42 deaths, with these 17 counties representing 85% of the State's total population;

WHEREAS, as of March 15, 2020, Washington State represents 2% of the nation's population and has 21% of confirmed COVID-19 cases, and 64% of COVID-19-related deaths, in the United States;

WHEREAS, on March 15, 2020, the United States Center for Disease Control and Prevention revised its guidance to reduce the size of gatherings from 250 persons to 50 persons;

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and protect our most vulnerable populations, it is necessary to immediately prohibit any number of people from congregating in public venues for purposes of public entertainment, recreation, food or beverage service, theater, bowling, and other similar activities, in order to limit opportunities for disease exposure and transmission in the State; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 is amended to prohibit any number of people from gathering in any public venue in which people congregate for purposes of public entertainment, recreation, food and beverage service, theater, bowling, fitness and other similar activities, to include all public venues in which the serving, provision, or consumption of prepared food or beverages occurs at a table, bar, or for consumption within.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the onsite consumption of food and/or beverages in a public venue, including but not limited to, the following venues, and which prohibition shall remain in effect until midnight on March 31, 2020, unless extended beyond that date:

1. Restaurants;
2. Food courts;
3. Bars;
4. Taverns;
5. Coffee shops;
6. Catered events;
7. Clubs;
8. Bowling alleys;
9. All other similar venues in which people congregate for the consumption of food or beverages.

For purposes of this Proclamation, “public venue” has its ordinary meaning and also includes, but is not limited to, social clubs, private clubs, tennis clubs, golf clubs, faith-based organizations/facilities, and other similar venues.

This Proclamation does not prohibit the sale of prepared food or beverages that are otherwise legally delivered or taken out of the venue for consumption or the purchasing of groceries that are not consumed within the premises, more commonly known as drive-through, take-out, and delivery services.

This Proclamation does not apply to a broad range of businesses and services, including but not limited to grocery stores, pharmacies, convenience stores, gas stations, pet stores, and libraries; however, any sit-down food or beverage services within these facilities are prohibited.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the operation of public venues in which people congregate for entertainment, social or recreational purposes, including but not limited to theaters, bowling alleys, gyms, fitness centers, non-tribal card rooms, barbershops and hair/nail salons, tattoo parlors, pool halls, and other similar venues, which prohibition shall remain in effect until midnight on March 31, 2020, unless extended beyond that date.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, for all other retail businesses except pharmacies and grocery stores, I hereby prohibit the operation of all retail stores unless they designate an employee or officer who must establish and implement social distancing and sanitation measures established by the United States Centers for Disease Control and Prevention or the Washington State Department of Health guidelines, which prohibition shall remain in effect until midnight on March 31, 2020, unless extended beyond that date.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 16th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

_____/s/_____
Jay Inslee, Governor

BY THE GOVERNOR:

_____/s/_____
Secretary of State

Exhibit 8

JAY INSLEE
Governor



STATE OF WASHINGTON

OFFICE OF THE GOVERNOR

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**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-07, and 20-11**

20-14

Reduction of Statewide Limits on Gatherings

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, and 20-13, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the spread of COVID-19 has been classified by the World Health Organization as a pandemic that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the COVID-19 disease has and continues to spread quickly across the state of Washington, beyond the original community outbreaks in King, Pierce, and Snohomish counties, significantly increasing the threat of significant associated health risks statewide; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and protect our most vulnerable populations, it is necessary to immediately expand the restrictions on large gatherings of 250 or more as amended under Proclamation 20-11 to gatherings of 50 people or more; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency

continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and Proclamations 20-07 and 20-11, pertaining to gatherings of 250 people or more, is amended to reduce the size of gatherings to 50 people or less. Furthermore, activities of less than 50 people are also prohibited, unless organizers of those activities comply with social distancing and sanitation measures established by the United States Centers for Disease Control and Prevention or the Washington State Department of Health guidelines. The provisions of this order shall remain in effect until midnight on March 31, 2020, unless extended beyond that date.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 16th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

Exhibit 9

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-24

Restrictions on Non Urgent Medical Procedures

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, and 20-23, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, and significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the health care personal protective equipment supply chain in Washington State has been severely disrupted by the significant increased use of such equipment worldwide, such that there are now critical shortages of this equipment for health care workers. To curtail the spread of the COVID-19 pandemic in Washington State and to protect our health care workers as they provide health care services, it is necessary to immediately prohibit all hospitals, ambulatory surgery centers, and dental, orthodontic and endodontic offices in Washington State from providing health care services, procedures and surgeries that require personal protective equipment, which if delayed, are not anticipated to cause harm to the patient within the next three months, except as provided herein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of this ongoing incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all Washington State counties, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to immediately prohibit certain medical and dental procedures, with exceptions, and as provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Also, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE: based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit all hospitals, ambulatory surgical facilities, dental, orthodontic and endodontic offices in Washington State from providing health care services, procedures, and surgeries that, if delayed, are not anticipated to cause harm to the patient within the next three months, with exceptions and as provided below. This does not include outpatient visits delivered in hospital based clinics.

Examples of procedures to delay include, but are not limited to: most joint replacements, most cataract and lens surgeries, non-urgent cardiac procedures, cosmetic procedures, some endoscopy, and some interventional radiology services.

EXCEPTION: The above prohibition does not apply to the full suite of family planning services and procedures or to treatment for patients with emergency/urgent needs (examples of the latter include, but are not limited to, people with heart attacks, strokes, or motor vehicle accidents). Hospitals and ambulatory surgical facilities may perform any surgery that if delayed or canceled would result in the patient's condition worsening (for example,

removal of a serious cancerous tumor or dental care related to the relief of pain and management of infection.)

Ambulatory surgical facilities are encouraged to work with their local hospitals to assist with surge capacity needs.

This Proclamation shall remain in effect until May 18, 2020.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

Exhibit 10

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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TO: Interested Stakeholders

FROM: Governor Jay Inslee

A handwritten signature in black ink, appearing to read "J. Inslee".

DATE: April 29, 2020

SUBJECT: **Interpretive Statement Related to Proclamation by the Governor 20-24,
Restrictions on Non-Urgent Medical Procedures**

Background. On March 19, 2020 Governor Inslee issued Proclamation 20-24 with the goal of ensuring hospitals and the health system would have enough surge capacity and personal protective equipment to manage an influx of patients with COVID-19. The Proclamation applies to services delivered in hospitals, ambulatory surgical facilities, dental, orthodontic, and endodontic offices in Washington State. The Proclamation will remain in effect through May 18, 2020.

As providers across the state have significantly adjusted operations in response to the Proclamation, the need for additional guidance has been identified. The purpose of this statement is to provide that guidance.

It is the position of the State that the Proclamation allows performance of all services considered to be “emergent” or “urgent” for which delay would result in worsening a life-threatening or debilitating prognosis. Clinicians should use clinical judgment to determine performance of procedures considered to be non-urgent or “elective.”

In addition, given the evolving and fluid nature of pandemics in general, and COVID-19 in particular, clinical judgments regarding non-urgent or “elective” procedures need to be viewed through the lens of relative harm to patients of treatment versus deferment, in terms of potential patient and provider contraction of COVID-19.

The remainder of this document pertains to health care services, procedures, and surgeries falling into the non-urgent or “elective” category.

Considerations in determining “harm” to the patient. The Proclamation limits, “healthcare services, procedures, and surgeries that, if delayed, are not anticipated to cause harm to the patient within the next three months...” The Proclamation goes on to provide examples of procedures to delay, which include, “most joint replacements, most cataract and lens surgeries, non-urgent cardiac procedures, cosmetic procedures, some endoscopy and some interventional radiology services.”

Interpretive Statement Related to Proclamation 20-24
 April 29, 2020
 Page 2

The Proclamation does not provide a definition of “harm.” To clarify, the Governor leaves assessment of harm up to the individual clinician. In order to assess harm, clinicians should consider if a patient's illness or injury is: causing significant pain, significant dysfunction in their daily life or work, or is either progressing, or at risk to progress. Additionally, clinicians should assess the risk of harm that could be experienced by a patient as a result of undertaking the surgery or procedure during the COVID-19 pandemic.

The decision to perform any surgery or procedure in hospitals, ambulatory surgical facilities, dental, orthodontic, and endodontic offices, including examples of those that could be delayed in the Proclamation, should be weighed against the following criteria when considering potential harm to a patient's health and well-being as described above:

- Expected advancement of disease process
- Possibility that delay results in more complex future surgery or treatment
- Increased loss of function
- Continuing or worsening of significant or severe pain
- Deterioration of the patient's condition or overall health
- Delay would be expected to result in a less-positive ultimate medical or surgical outcome
- Leaving a condition untreated could render the patient more vulnerable to COVID-19 contraction, or resultant disease morbidity and/or mortality
- Non-surgical alternatives are not available or appropriate per current standards of care
- Patient's co-morbidities or risk factors for morbidity or mortality, if inflicted with COVID-19 after procedure is performed

Furthermore, diagnostic imaging, diagnostic procedures or testing should continue in all settings if disease is suspected, based on clinical judgement that uses the same definition of harm and criteria as listed above.

Prerequisites to performance of healthcare services, procedures and surgeries. Foundational to the performance of any healthcare service, procedure, or surgery permitted under Emergency Proclamation 20-24 is the ability to meet infection prevention and control standards, maintain appropriate personal protective equipment supplies, as well as following Department of Health (DOH)-issued guidance on use of personal protective equipment (PPE). For permitted procedures requiring an overnight stay, hospitals will not exceed 80% of available bed (licensed and staffed beds) capacity.

Specifically, the following PPE prerequisites are required before facilities can perform procedures, surgeries, or services permitted under Emergency Proclamation 20-24:

- Facilities must provide health care workers (direct patient care and affected ancillary staff) with appropriately sized and sufficient quantities of PPE to perform essential job functions.

Interpretive Statement Related to Proclamation 20-24
April 29, 2020
Page 3

- Facilities must be aligned with Washington State Department of Health's PPE Usage Guidelines - PPE Conservation Strategies (Yellow), which says personal protective equipment is discarded and replaced when it is soiled, damaged, or hard to breathe through.
- Facilities must follow the Washington State Department of Health's Guidance on Extended and Re-use of PPE by Healthcare Personnel (HCP).
- Facilities must have on-hand and in the facility 7 days of appropriate PPE.
- Facilities must report accurate counts of PPE available and in the facility daily, as well as PPE on order, to the WA Health system.
- Facilities must report following required DOH guidelines for PPE use and conversation to the WA Health system.
- Health care workers have access to COVID-19 testing and to timely notification (within eight (8) hours of awareness) of exposure to COVID-19.
- Facilities must report on COVID-19 positive health care workers by facility and profession/position to the WA Health system.

Outpatient clinic visits. The Proclamation permits outpatient clinic visits, both in hospital-based clinics and other outpatient clinic settings. While not addressed in the Proclamation, the Governor encourages clinicians to weigh the benefits and risks of such visits to patients given the active presence of COVID-19 in our communities. He also encourages clinicians to use telehealth visits where possible. If a clinician determines an outpatient clinic visit is necessary, all steps possible should be taken to promote social distancing measures and reduction of infection risk by appropriate use of hand hygiene and PPE-use protocols.

Penalties and enforcement. The Proclamation states, "Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5)," making anyone found to be in willful violation of the order guilty of a gross misdemeanor. The department finds that documented clinical decision-making reflecting application of the Proclamation and this statement to the clinical matter(s) or case(s) under consideration will serve as evidence that performance of the health care services, procedures or surgeries was not a willful violation of the Proclamation.

Exhibit 11

JAY INSLEE
Governor



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**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-24**

20-24.1

**Reducing Restrictions on, and Safe Expansion of,
Non-Urgent Medical and Dental Procedures**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, and significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the health care personal protective equipment supply chain in Washington State has been severely disrupted by the significant increased use of such equipment worldwide, such that there are now critical shortages of this equipment for health care workers. To curtail the spread of the COVID-19 pandemic in Washington State and to protect our health care workers as they provide health care services, it is necessary to prohibit all medical, dental and dental specialty facilities, practices, and practitioners in Washington State from providing non-urgent health care and dental services, procedures and surgeries unless specific procedures and criteria are met; and

WHEREAS, the extensive public-private collaboration between our state and local governments, and the state's hospitals, health systems, and other providers of clinical services in addressing the health care issues created for people and communities by the COVID-19 pandemic is commendable; and

WHEREAS, Washington State's collaborative approach has been effective in addressing the significant public health issues associated with the disease, while greatly expanding the clinical and operational capacity of the health system to effectively care for COVID-19 patients and safely provide preventive, diagnostic, outpatient, ambulatory, acute, and post-acute care for all people in need of care

via both in-person and virtual means. The professionalism, expertise, and compassion of Washington's clinicians, nurses, and other health care professionals during the COVID-19 pandemic has been exemplary; and

WHEREAS in the early days of the pandemic, I, in collaboration with the Washington State Department of Health and health care system partners, established a data-driven approach to addressing the health and safety of Washington's citizens and communities. The actions taken pursuant to this approach reduced the impact of the disease in the State. As the State moves into its Safe Start of the economy, it is important that the healthcare system move rapidly towards a more normal operating position and expand access to care for patients in a manner that is safe and equitable; and

WHEREAS, I support extending Proclamation 20-29, which requires telemedicine payment parity through year-end 2020, when the new parity law in SB 5385 will formally take effect. However, the extension must be approved by the Legislature.

WHEREAS, recognizing that health status is impacted both by social determinants of health and untreated health conditions, it is vital that public and private sector participants in the health care system work to enhance public health capabilities and capacity, such as testing, contact tracing and follow-up, and that access to appropriate care be expanded as safely as possible; and

WHEREAS, the exercise of clinical judgement by healthcare and dental professionals related to the care of patients is essential, and it is essential for all of our health and dental partners to follow the same procedures as outlined in this proclamation and work together to protect the health of all of our residents; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of this ongoing incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all Washington State counties, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-24 are amended to immediately prohibit certain medical and dental procedures, with exceptions, and as provided herein.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Also, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE: based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit all medical, dental and dental specialty facilities, practices, and practitioners in Washington State from providing non-urgent health care and dental services, procedures, and surgeries unless they act in good faith and with reasonable clinical judgment to meet and follow the procedures and criteria provided below:

COVID Assessment:

Local health jurisdictions (LHJs) in collaboration with their health partners, should assess the COVID-19 status in the communities they serve. This assessment should be updated on a regular basis. Important COVID-19 disease information relevant to this assessment is available at <https://www.doh.wa.gov/Emergencies/NovelCoronavirusOutbreak2020COVID19/DataDashboard>, and LHJs should have relevant information as well.

Expansion/Contraction of Care Plan

Each health care, dental or dental specialty facility, practice, or practitioner must develop an expansion/contraction of care plan that is both congruent with community COVID-19 assessment described above, consistent with the clinical and operational capabilities and capacities of the organization, and responsive to the criteria provided below.

Expansion/contraction of care plans should be operationalized based on the standards of care that are in effect in the health care facility, practice or practitioner's relevant geography as determined by that region's emergency health care coalition, as follows:

- Conventional Care Phase – All appropriate clinical care can be provided.
- Contingency Care Phase – All appropriate clinical care can be provided so long as there is sufficient access to PPE and, for hospitals, surge capacity is at least 20%.
- Crisis Care Phase – All emergent and urgent care shall be provided; elective care, that the postponement of which for more than 90 days would, in the judgement of the clinician, cause harm; the full suite of family planning services and procedures, newborn care, infant and pediatric vaccinations, and other preventive care, such as annual flu vaccinations, can continue.

Criteria for Resuming Non-Urgent Procedures

Until there is an effective vaccine, effective treatment, or herd immunity and until supply chains for PPE return to a more normal status, hospitals and LHJs will work together to maintain some level of surge capacity in our health care system and prudently use PPE so that we can keep health care workers safe and provide the needed health care to our communities. To this end, the following must be met by health care, dental and dental specialty facilities, practices, and practitioners:

- Exercise clinical judgment to determine the need to deliver a health care service, in the context of the broader health care and dental needs of patients and communities and in the context of the pandemic, and within the parameters of operation provided by the health care, dental or dental specialty facility, practice or practitioner setting in which they are providing services.
- Continuously monitor capacity in the system to ensure there are resources, including ventilators, beds, PPE, blood and blood products, pharmaceuticals, and trained staff available to combat any potential surges of COVID-19, participation, as required by Department of Health guidelines, with the WA HEALTH data reporting system to allow for a state-wide common operating perspective on resource availability.
- Follow Department of Health's current PPE conservation guidance, which will be regularly reviewed and updated by the Department of Health, as published on the Department of Health website at <https://www.doh.wa.gov/Emergencies/Coronavirus>. If the health care facility, practice or practitioner's PPE status deteriorates, adjustments to expansion of care will be required.
- Review infection prevention policies and procedures and update, as necessary, to reflect current best practice guidelines for universal precautions.
- Develop a formal employee feedback process to obtain direct input regarding care delivery processes, PPE, and technology availability related to expansion of care.
- Appropriately use telemedicine. Appropriate use of telemedicine will facilitate access to care while helping minimize the spread of the virus to other patients and/or health care workers.
- Use on-site fever screening and self-reporting of COVID-19 symptom screening for all patients, visitors and staff prior to (the preferred approach), or immediately upon, entering a facility or practice.
- For clinical procedures and surgeries, develop and implement setting-appropriate, pre-procedure COVID-19 testing protocols that are based on availability, Department of Health guidance, if any, and/or relevant and reputable professional clinical sources and research.
- Implement policies for non-punitive sick leave that adhere to U.S. Centers for Disease Control and Prevention (CDC) return-to-work guidance.
- Post signage that strongly encourages staff, visitors and patients to practice frequent hand hygiene with soap and water or hand sanitizer, avoid touching their face, and practice cough etiquette.
- Maintain strict social distancing in patient scheduling, check-in processes, positioning and movement within a facility. Set up waiting rooms and patient care areas to facilitate patients, visitors and staff to maintain ≥ 6 feet of distance between them whenever possible, consider rooming patients directly from cars or parking lots, space out appointments, and consider scheduling or spatially separating well visits from sick visits.

- Limit visitors to those essential for the patient's well-being and care. Visitors should be screened for symptoms prior to entering a health care facility and ideally telephonically prior to arriving. Visitors who are able should wear a mask or other appropriate face covering at all times while in the health care facility as part of universal source control.
- Ambulatory patients, who are able and when consistent with the care being received, should wear a mask or other appropriate face covering at all times while in the health care facility as part of universal source control.
- Frequently clean and disinfect high-touch surfaces regularly using an EPA-registered disinfectant.
- Identify and implement strategies for addressing employees who have had unprotected exposures to COVID-19 positive patients, are symptomatic, or ill, which should include requiring COVID-19 positive employees to stay at home while infectious, and potentially restricting employees who were directly exposed to the COVID-19 positive employee. Timely notification of employees with potential COVID-19 exposure and appropriate testing of employees who are symptomatic should be a component of these strategies. Follow CDC cleaning guidelines to deep clean after reports of an employee with suspected or confirmed COVID-19 illness. This may involve the closure of the business until the location can be properly disinfected.
- Educate patients about COVID-19 in a language they best understand. The education should include the signs, symptoms, and risk factors associated with COVID-19 and how to prevent its spread.
- Follow requirements in Governor Inslee's Proclamation 20-46 - *High-Risk Employees – Workers' Rights*.

ADDITIONALLY, for purposes of this Proclamation, evaluation of "harm" is the same as described in the May 7, 2020, Updated Interpretive Statement related to Proclamation 20-24, and is repeated here: The decision to perform any surgery or procedure in hospitals, ambulatory surgical facilities, dental, orthodontic, and endodontic offices, including examples of those that could be delayed should be weighed against the following criteria when considering potential harm to a patient's health and well-being:

- Expected advancement of disease process
- Possibility that delay results in more complex future surgery or treatment
- Increased loss of function
- Continuing or worsening of significant or severe pain
- Deterioration of the patient's condition or overall health
- Delay would be expected to result in a less-positive ultimate medical or surgical outcome
- Leaving a condition untreated could render the patient more vulnerable to COVID-19 contraction, or resultant disease morbidity and/or mortality
- Non-surgical alternatives are not available or appropriate per current standards of care
- Patient's co-morbidities or risk factors for morbidity or mortality, if inflicted with COVID-19 after procedure is performed

Furthermore, diagnostic imaging, diagnostic procedures or testing should continue in all settings based on clinical judgement that uses the same definition of harm and criteria as listed above.

ADDITIONALLY, when making health system care capacity decisions, health care, dental and dental specialty facilities, practices, and practitioners must, in addition to the above, consider 1) the level and trending of COVID-19 infections in the relevant geography, 2) the availability of appropriate PPE, 3) collaborative activities with relevant emergency preparedness organizations and/or LHJ, 4) surge capacity of the hospital/care setting, and 5) the availability of appropriate post-discharge options addressing transitions of care.

ADDITIONALLY, given the geographic diversity of Washington, the variability in COVID-19 disease burden within the state, and health care system capabilities and capacity, no uniform approach to expanding access to care is possible nor would any such approach be effective or wise. It is essential that health care system participants act with good judgment within the context of their patients' needs, their environment, and their capabilities and capacity.

This Proclamation is retroactive to 11:59 PM on May 17, 2020, and shall remain in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded, or until this order is amended or rescinded, whichever occurs first.

Violators of this order may be subject to penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

Exhibit 12

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
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**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-25

STAY HOME – STAY HEALTHY

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, and 20-24, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 2,221 cases of COVID-19 in Washington State and, tragically, 110 deaths of Washingtonians associated with COVID-19; and

WHEREAS, models predict that many hospitals in Washington State will reach capacity or become overwhelmed with COVID-19 patients within the next several weeks unless we substantially slow down the spread of COVID-19 throughout the state; and

WHEREAS, hospitalizations for COVID-19 like illnesses are significantly elevated in all adults, and a sharply increasing trend in COVID-19 like illness hospitalizations has been observed for the past three (3) weeks; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim: that a State of Emergency continues to exist in all counties of Washington State; that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended; and that Proclamations 20-05, 20-07, 20-11, 20-13, and 20-14 are amended and superseded by this Proclamation to impose a Stay Home – Stay Healthy Order throughout Washington State by prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, and to implement the Stay Home—Stay Healthy Order described above, I hereby impose the following necessary restrictions on participation by all people in Washington State by prohibiting each of the following activities by all people and businesses throughout

Washington State, which prohibitions shall remain in effect until midnight on April 6, 2020, unless extended beyond that date:

1. **All people in Washington State shall immediately cease leaving their home or place of residence except: (1) to conduct or participate in essential activities, and/or (2) for employment in essential business services.** This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.

To implement this mandate, I hereby order that all people in Washington State are immediately prohibited from leaving their home or place of residence except to conduct or participate in (1) essential activities, and/or (2) employment in providing essential business services:

- a. **Essential activities** permitted under this Proclamation are limited to the following:
 - 1) **Obtaining necessary supplies and services** for family or household members and pets, such as groceries, food and supplies for household consumption and use, supplies and equipment needed to work from home, and products necessary to maintain safety, sanitation and essential maintenance of the home or residence.
 - 2) **Engaging in activities essential for the health and safety** of family, household members and pets, including things such as seeking medical or behavioral health or emergency services and obtaining medical supplies or medication.
 - 3) **Caring for** a family member, friend, or pet in another household or residence, and to transport a family member, friend or their pet for essential health and safety activities, and to obtain necessary supplies and services.
 - 4) **Engaging in outdoor exercise activities**, such as walking, hiking, running or biking, but only if appropriate social distancing practices are used.
- b. **Employment in essential business services** means an essential employee performing work for an essential business as identified in the “[Essential Critical Infrastructure Workers](#)” list, or carrying out minimum basic operations (as defined in Section 3(d) of this Order) for a non-essential business.
- c. **This prohibition shall not apply to** individuals whose homes or residences are unsafe or become unsafe, such as victims of domestic violence. These individuals are permitted and urged to leave their homes or residences and stay at a safe alternate location.
- d. **This prohibition also shall not apply to** individuals experiencing homelessness, but they are urged to obtain shelter, and governmental and other entities are strongly encouraged to make such shelter available as soon as possible and to the maximum extent practicable.

- e. For purposes of this Proclamation, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.
2. **All people in Washington State shall immediately cease participating in all public and private gatherings and multi-person activities for social, spiritual and recreational purposes, regardless of the number of people involved, except as specifically identified herein.** Such activity includes, but is not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities. This prohibition also applies to planned wedding and funeral events. This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.

To implement this mandate, I hereby order that all people in Washington State are immediately prohibited from participating in public and private gatherings of any number of people for social, spiritual and recreational purposes. **This prohibition shall not apply to** activities and gatherings solely including those people who are part of a single household or residential living unit.

3. **Effective midnight on March 25, 2020, all non-essential businesses in Washington State shall cease operations except for performing basic minimum operations. All essential businesses are encouraged to remain open and maintain operations, but must establish and implement social distancing and sanitation measures established by the United States Department of Labor or the Washington State Department of Health Guidelines.** This prohibition shall remain in effect until midnight on April 8, 2020, unless extended beyond that date.

To implement this mandate, I hereby order that, effective midnight on March 25, 2020, all non-essential businesses in Washington State are prohibited from conducting all activities and operations except minimum basic operations.

- a. **Non-essential businesses** are strongly encouraged to immediately cease operations other than performance of basic minimum operations, but must do so no later than midnight on March 25, 2020.
- b. **Essential businesses** are prohibited from operating under this Proclamation unless they establish and implement social distancing and sanitation measures established by the United States Department of Labor's Guidance on Preparing Workplaces for COVID-19 at <https://www.osha.gov/Publications/OSHA3990.pdf> and the Washington State Department of Health Workplace and Employer Resources & Recommendations at <https://www.doh.wa.gov/Coronavirus/workplace>.
- c. **This prohibition does not apply to** businesses consisting exclusively of employees or contractors performing business activities at their home or residence, and who do not engage in in-person contact with clients.

- d. For purposes of this Proclamation, minimum basic operations are the minimum activities necessary to maintain the value of the business' inventory, preserve the condition of the business' physical plant and equipment, ensure security, process payroll and employee benefits, facilitate employees of the business being able to continue to work remotely from their residences, and related functions.

This Proclamation shall not be construed to prohibit working from home, operating a single owner business with no in-person, on-site public interaction, or restaurants and food services providing delivery or take-away services, so long as proper social distancing and sanitation measures are established and implemented.

No business pass or credentialing program applies to any activities or operations under this Proclamation.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 23rd day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

Exhibit 13

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-25**

**20-25.1
EXTENDING STAY HOME – STAY HEALTHY
TO MAY 4, 2020**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington state as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, 20-35, 20-36, 20-37, 20-38, and 20-39, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25, Stay Home – Stay Healthy, prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations therein; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and is a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, since Proclamation 20-25 was issued on March 23, the number of confirmed cases and deaths in Washington State has more than doubled, and there are currently at least 5,984 cases of COVID-19 in Washington State with 247 associated deaths; and, furthermore, models predict that many hospitals in Washington State will reach capacity or become overwhelmed with COVID-19 patients within the next few weeks unless we significantly slow its spread throughout the state; and

WHEREAS, hospitalizations for COVID-like illnesses have been sharply increasing for the past month, and a large surge in the number of serious COVID-19 infections will compromise the ability of our health care system to deliver necessary health care services; and

WHEREAS, these conditions necessitate that to protect the health and safety of all Washingtonians, the stringent restrictions imposed on the people of Washington State in Proclamation 20-25 must be continued until May 4, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamation 20-25 (Stay Home – Stay Healthy) is amended to extend all of its provisions and each expiration date therein to 11:59 PM on May 4, 2020. All other provisions of Proclamation 20-25 shall remain in full force and effect.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

All persons are again reminded that no business pass or credentialing program or requirement applies to any activities or operations under this Proclamation.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

Exhibit 14

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

TO: Interested Stakeholders

FROM: Governor Jay Inslee

A handwritten signature in black ink, appearing to read "Jay Inslee".

DATE: April 24, 2020

SUBJECT: Implementation of Phase 1 Construction Restart – Proclamation 20-25

As an addendum to Proclamation 20-25, this memorandum serves as the criteria for a limited Phase 1 Construction Restart.

After working with representatives from the Construction Roundtable, we have developed the comprehensive [Phase 1 Construction Restart COVID-19 Job Site Requirements](#). These requirements apply to all construction activities in Washington as long as Gubernatorial Proclamation 20-25, or any extension thereof, is in effect or if adopted as rules by a federal, state or local regulatory agency.

This memorandum rescinds previous guidance related to construction from the essential business list and allows for all activities meeting a low-risk threshold of six foot distancing to operate.

In limited circumstances where six foot distancing requirements cannot be maintained on construction projects previously authorized under Proclamation 20-25, a hazard assessment and control plan must be implemented identifying appropriate PPE use in accordance with Department of Labor & Industries requirements (<https://www.lni.wa.gov/forms-publications/F414-164-000.pdf>). No newly authorized projects are permitted to break social distancing standards during phase 1.

No jobsite may operate until the contractor can meet and maintain all requirements, including providing materials, schedules and equipment required to comply. Currently operating projects must be in compliance by no later than Friday, May 1.

- All items minus numbers 28 and 30 are subject to enforcement action under L&I's Division of Occupational Safety and Health (DOSH). Workplace safety and health complaints may be submitted to the L&I Call Center: (1-800-423-7233) or via e-mail to adag235@lni.wa.gov.
- General questions about how to comply with construction safety practices can be submitted to the state's Business Response Center at <https://app.smartsheet.com/b/form/2562f1caf5814c46a6bf163762263aa5>.
- All other violations related to Proclamation 20-25 can be submitted at <https://bit.ly/covid-compliance>.

Exhibit 15

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-25 AND 20-25.1**

20-25.2

**ADJUSTING
STAY HOME – STAY HEALTHY
TO MAY 4, 2020**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-52, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25, and 20-25.1 (Stay Home – Stay Healthy), prohibiting all people in Washington State from leaving their homes or participating in gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations therein; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and is a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, while there are currently at least 13,521 cases of COVID-19 in Washington State with 749 associated deaths, current models predict that we have started to slow its spread throughout the State; and

WHEREAS, Washington State is known for a high level of outdoor recreation on its many trails, parks, lakes, beaches and other outdoor recreational areas, and outdoor recreation is a fundamental part of maintaining physical, emotional and mental health, particularly in a time of great stress;

WHEREAS, these conditions now permit adjustment of some of the prohibitions in Proclamation 20-25 and 20-25.1 to allow for some recreational activities and related employment, while continuing to protect the health and safety of all Washingtonians by retaining the remainder of the prohibitions imposed in Proclamations 20-25 and 20-25.1; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52 and 43.06, do hereby proclaim and order that a State of Emergency continues to exist in all counties of the state, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-25 and 20-25.1 (Stay Home – Stay Healthy) are amended to extend all of their provisions, except those specifically listed below and as specifically allowed in the requirements available [here](#), and each expiration date therein, to May 4, 2020:

As of April 27, 2020, in order to prepare for re-opening on May 5, 2020, all employees necessary to operate and maintain day-use activity and trails, including those in state parks and state public lands, state hunting and fishing operations, golf operations, and day-use activities and trails in other public parks and public lands are authorized to return to work; and

As of May 5, 2020, the following outdoor recreational activities, when and where permitted, are authorized to commence so long as participants fully comply with the social distancing and coronavirus related hygiene requirements found [here](#), such as:

- Recreational hunting, fishing, and boating
- Outdoor exercise, including hiking, running, walking and biking
- Golfing
- Day-use activities at public parks and public lands

All other provisions of Proclamation 20-25 and 20-25.1 shall remain in full force and effect.

ADDITIONALLY, except as exempted above, I continue to prohibit all other public and private gatherings and multi-person activities for social, spiritual and recreational purposes, regardless of the number of people involved. Such activity includes, but is not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; team sports activities, and similar activities that involve a gathering of people other than a household unit. This prohibition continues to apply to planned wedding and funeral events.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of the Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required social distancing and coronavirus hygiene practices while engaging in outdoor recreation, or if the numbers of COVID-19 cases increase, I may be forced to reinstate the prohibition of recreational activities.

Signed and sealed with the official seal of the state of Washington on this 27th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

_____/s/
Jay Inslee, Governor

BY THE GOVERNOR:

_____/s/
Secretary of State

Exhibit 16

HIKING AND OTHER OUTDOOR ACTIVITIES RESTART COVID-19 REQUIREMENTS AND RECOMMENDATIONS

REQUIREMENTS

Users

1. Gatherings are not permitted. Only members of the same household may travel and recreate together. Only members of the same household should travel in cars and boats together.
2. Physical distancing is required. Keep six feet between individuals outside your immediate household. At trailheads, on trails, and parks, practice extra care.

Employees

3. Employees authorized by this section are may begin work on April 27, 2020, in preparation for the May 5, 2020, opening.
4. Unless previously authorized under Proclamation 20-25, locations may not open to the public until May 5, 2020.
5. Employees necessary for bicycle and ORV/ATV/WATV rental are authorized to return to work. Under these requirements, no walk-in rental service will be permitted after May 5, 2020. All appointments must be made by telephone or online. All recreational rental bicycles and ORV/ATV/WATVs must be cleaned and disinfected after every use.
6. Employees necessary to operate trails, public lands for day-use activities, public parks for day-use activities, and public employees supporting recreational hunting and wildlife observation are authorized. This includes employees needed to maintain and improve trails and trail systems.
7. No seated indoor or outdoor food service in public parks is permitted.
8. No camping, including dispersed camping, is permitted in state parks or on state public lands at this time.
9. Retail sales are not covered by this proclamation. Only related retail establishments deemed essential under Proclamation 20-25, "Stay Home – Stay Healthy," are allowed to operate until further notice.
10. All employees and employers must follow current Washington Department of Health, Washington Department of Labor and Industries, and CDC guidelines.

RECOMMENDATIONS

1. Check with your destination before departing. While many state-managed land destinations are open for day-use, other local, tribal and federal land may still be closed.
2. Come prepared. Users may find reduced or limited restroom services as staff begin the process to reopen facilities at wildlife areas and water access sites. Users are advised to bring soap, water, hand sanitizer, and toilet paper, as well as a mask or facial covering to shield their noses and mouths.
3. When physical distancing is not feasible, including during retail transactions, masks or facial coverings are strongly recommended.
4. Avoid crowds. Be prepared to go somewhere else or come back another time if a destination looks crowded.
5. Practice social distancing trail etiquette. Give way to others on narrow trails to allow for ample social distancing.
6. Users should wash their hands often.
7. Pack out what you pack in. Take any garbage with you, including disposable gloves and masks.
8. Recreate locally and refrain from overnight stays.

RECREATIONAL BOATING AND FISHING RESTART COVID-19 REQUIREMENTS AND RECOMMENDATIONS

REQUIREMENTS

Users

11. Gatherings are not permitted. Only members of the same household may travel and recreate together. Only members of the same household should travel in cars and boats together.
12. Physical distancing is required. Keep six feet between individuals outside your immediate household. Launch one boat at a time to give others enough space to launch safely. Leave at least one parking space between your vehicle and the vehicle next to you. Trailer your boat in the same way.

Employees

13. Employees authorized by this section may begin work on April 27, 2020, in preparation for the May 5, 2020, opening.
14. Unless previously authorized under Proclamation 20-25, locations may not open to the public until May 5, 2020.
15. Employees necessary for boat rental are authorized to return to work. Under these requirements, no walk-in rental service will be permitted after May 5, 2020. All appointments must be made by telephone or online. All boats must be cleaned and disinfected after every use.
16. Employees necessary to operate marinas, boatyards, and boat launches are authorized.
17. Public employees directly related to recreational fishing are authorized.
18. No seated indoor or outdoor food service at any recreational facility is permitted.
19. Retail sales are not covered by this proclamation. Only related retail establishments deemed essential under Proclamation 20-25, "Stay Home – Stay Healthy," are allowed to operate until further notice. These include marina-related retail establishments previously considered essential under current rules allowed to operate.
20. All employees and employers must follow current Washington Department of Health, Washington Department of Labor and Industries, and CDC guidelines.

RECOMMENDATIONS

9. Check with your destination before departing. While many state-managed land destinations are open for day-use, other local, tribal and federal land may still be closed.
10. Come prepared. Users may find reduced or limited restroom services as staff begin the process to reopen facilities at wildlife areas and water access sites. Users are advised to bring soap, water, hand sanitizer, and toilet paper, as well as a mask or facial covering to shield their noses and mouths.
11. When physical distancing is not feasible, including during retail transactions, masks or facial coverings are strongly recommended.
12. Avoid crowds. Be prepared to go somewhere else or come back another time if a destination looks crowded.
13. Users should wash their hands often.
14. Pack out what you pack in. Take any garbage with you, including disposable gloves and masks.
15. Recreate locally and refrain from overnight stays.

GOLF RESTART COVID-19 REQUIREMENTS AND RECOMMENDATIONS

All golf courses have a general obligation to keep a safe and healthy facility in accordance with state and federal law. They must also comply with the following COVID-19 worksite-specific safety practices, as outlined in Gov. Jay Inslee's "Stay Home, Stay Healthy" Proclamation 20-25, and in accordance with the Washington State Department of Labor and Industries General Coronavirus Prevention Under Stay Home-Stay Healthy Order (DOSH Directive 1.70: <https://www.lni.wa.gov/safety-health/safety-rules/enforcement-policies/DD170.pdf>) and the Washington State Department of Health Workplace and Employer Resources & Recommendations at <https://www.doh.wa.gov/Coronavirus/workplace>.

Golf courses should stay updated on advice from the National Golf Course Owners Association (NGCOA) "Park and Play" program - <https://www.ngcoa.org/info-centers/covid19/park-and-play-program>.

Golf is widely seen as an activity that is viable and relatively low risk, however there are additional precautions that need to be in place to ensure the safety of players, golf course staff and club/course officials. In order to operate, the following requirements must be implemented at golf courses.

Golf Operations *(These items will be assessed, and potentially modified, on a weekly basis.)*

Any course planning to reopen on May 5, 2020, must comply with the following:

1. Utilize on-line or phone tee time reservation systems to pre-pay and limit interactions, and restrict payments to credit cards only to eliminate the handling of cash.
2. Maintain a log of all customers, including contact information.
3. At the golf course's discretion, foursomes are allowed if they are from the same household. Otherwise, no more than two players from separate households per tee time. Single players should be asked if they would like to be paired together.
4. Restrict play to one rider per power cart, unless a minor is also playing.
5. Regularly sanitize counter tops, door knobs, other common surfaces, range buckets, golf carts, push carts, cash registers, score posting kiosks, and other frequently touched surfaces including employee used equipment.
6. Ensure that the flagstick remains in at all times. Players will be educated to avoid touching the flagstick for any reason.
7. Be creative with cup liners to avoid having players reaching into the hole to retrieve golf balls, such as installing cups upside down or partly above ground.

8. Eliminate cups and holes on practice greens.
9. Discontinue club and equipment rentals.
10. Restrict use of driving range and putting green to those with a tee time within 30 minutes.
11. Remove bunker rakes and other on-course furniture like benches, ball washers, water coolers, etc.
12. Eliminate on-course garbage cans, encourage golfers to carry and properly dispose of their own garbage when leaving the course.
13. Modify driving range hitting areas to ensure a minimum 10-foot separation between players.
14. Install signage to discourage group congregation, or to limit numbers of people in a certain area of the club or pro shop. Golfers will be reminded to be especially mindful of social distancing in the parking lot, and around tees and greens.
15. Place appropriate signage outside the pro shop and clubhouse plus at the first tee entries briefly outlining the social distancing guidelines in place.
16. Keep up to date on all changes that are happening daily.
17. Marshall the course to ensure physical distancing by reminding golfers, and where necessary, warning repeat offenders.
18. Ask golfers to leave the golf course immediately after playing to eliminate congestion/gathering on the property or in the parking lot.

Other Facility Operations

19. Increase the number of hand sanitizing stations throughout the clubhouse area and check-in areas.
20. Restrict access where unauthorized visitors may enter, most specifically “back of the house” doors and entry points.
21. Increase frequency of HVAC system filter changing.
22. Ensure restrooms are frequently cleaned and appropriately sanitized throughout the day.
23. Eliminate sit-down food and beverage services, and recommend customers use pre-order “take-out” or “to go” services only. Consider offering cart-to-cart delivery if feasible.

Employee Safety and Health

24. Ensure operations follow L&I requirements to protect workers, including:

- Maintain minimum six-foot separation between staff and customers in all interactions. When strict social distancing is not feasible for a specific task, other prevention measures are required, such as use of barriers, personal protective equipment or other acceptable protection.
- Ensure frequent and adequate hand washing. Use gloves when possible (if not disposal, then ensure they are regularly washed).
- Make sure sick employees stay home or go home if they feel or appear sick, identify and isolate workers who exhibit signs or symptoms of COVID-19 illness, and follow [cleaning guidelines set by the CDC](#) to deep clean after reports of an employee with suspected or confirmed COVID-19 illness.
- Educate workers in the language they understand best about coronavirus and how to prevent transmission.
- See the L&I [Coronavirus \(COVID-19\) Prevention: General Requirements and Prevention Ideas for Workplaces](#) for more information.

No golf course may operate until they can meet and maintain all the requirements in this document, including providing materials, schedules and equipment required to comply.

- All issues regarding worker safety and health are subject to enforcement action under L&I's Division of Occupational Safety and Health (DOSH). Workplace safety and health complaints may be submitted to the L&I Call Center: (1-800-423-7233) or via e-mail to adag235@lni.wa.gov.
- General questions about how to comply with safety practices can be submitted to the state's Business Response Center at <https://coronavirus.wa.gov/how-you-can-help/covid-19-business-and-worker-inquiries>.
- All other violations related to Proclamation 20-25 can be submitted at <https://bit.ly/covid-compliance>.

Exhibit 17

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-25, 20-25.1, and 20-25.2**

20-25.3

**ADJUSTING AND EXTENDING
STAY HOME – STAY HEALTHY
TO MAY 31, 2020**

Safe Start Washington: Phase I – Re-Opening Washington

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-52, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20-25, 20-25.1, and 20-25.2 (Stay Home – Stay Healthy), prohibiting all people in Washington State from leaving their homes or participating in social, spiritual or recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations therein; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, when I last amended the Stay Home – Stay Healthy order (Proclamation 20-25.2) on April 27, 2020, there were 13,521 cases of COVID-19 in Washington State with 749 deaths; and, just five days later, through May 2, 2020, the Department of Health confirmed another 1,664 cases and 85 more deaths, for a total of 15,185 cases with 834 associated deaths, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, while there continues to be a significant number of cases of COVID-19 in Washington State with associated deaths, the data and epidemiological models predict that we have passed the peak of the virus' progression in the state; and, the health experts credit this decline to the mandatory social distancing practices and prohibitions we have put in place; and

WHEREAS, the health professionals and epidemiological modeling experts predict that we have passed the peak of the progression in the state, and the data suggests it is appropriate to continue a careful, phased, and science-based approach to slowly re-opening Washington State. In addition, modelers agree that fully relaxing social distancing measures will result in a sharp increase in the number of cases; and

WHEREAS, this unprecedented health crisis has caused extraordinary anxiety and a significant disruption of routine and important activities for every Washingtonian; and I recognize the extraordinary resiliency, strength, adaptability, and courage of every Washingtonian during this difficult time; and

WHEREAS, many people in Washington State attend religious services on a regular basis. Such services are a vital part of the spiritual and mental health of our community, and some of these services can be conducted in a manner similar to comparable secular activities to prevent prolonged exposure to individuals outside of their immediate household while ensuring safe social distancing and hygiene practices. And, to help inform future lifting of additional restrictions in phases, I have directed my staff to engage with a broad range of religious leaders beginning as soon as this week; and

WHEREAS, the science also suggests that some business activities can be conducted with limited exposure to customers while ensuring safe social distancing and hygiene practices. These business activities include landscaping, pet walking, car washing, vehicle and vessel sales, and retail limited to curb-side pickup, all of which are important to revitalizing Washington State's economy, restoring jobs and providing necessary goods and services; and

WHEREAS, counties in Washington State with lower population density generally are experiencing a lower transitory population which decreases the risk of virus spread and, under appropriate conditions, are able to control and absorb virus outbreaks within the capacity of existing local and regional health care systems without significant increased risk of being overwhelmed; and

WHEREAS, the Washington State Department of Health's data demonstrates that some less-populated counties with fewer than 75,000 residents have not identified a new COVID-19 case for the last three consecutive weeks, and this data supports providing those counties with an opportunity to lift additional restrictions, subject to certain conditions and requirements, an opportunity that is not yet safe to offer to other counties; and

WHEREAS, based on the science and data, current COVID-19 pandemic conditions now permit further adjustment of the prohibitions in Proclamations 20-25, 20-25.1 and 20-25.2 to allow for resumption of some religious services and certain business activities, and the opportunity for less densely populated counties that have not identified a resident with COVID-19 in the last three weeks to seek additional exceptions to these prohibitions under certain limited circumstances, while retaining the remainder of the restrictions imposed in Proclamations 20-25, 20-25.1 and 20-25.2 to protect the health and safety of all Washingtonians; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-25, 20-25.1 and 20-25.2 (Stay Home – Stay Healthy) are amended to extend all of the prohibitions and each expiration date therein to May 31, 2020, except for those prohibitions regarding the specific activities listed below. All other provisions of Proclamations 20-25, 20-25.1, 20-25.2 shall remain in full force and effect.

FURTHERMORE, in collaboration with the Washington State Department of Health, and based on analysis of the data and epidemiological modeling, I have established a phased-in approach to re-opening Washington State, which can be found in the Safe Start Washington re-opening plan [here](#); and, while all counties are currently in Phase I, counties with a population of less than 75,000 that have not identified a resident with COVID-19 the three most recent consecutive weeks, may request an exemption from specific aspects of the remaining prohibitions of this Proclamation by submitting a variance application to the Secretary of the Washington State Department of Health in compliance with the requirements found in the Safe Start Washington re-opening plan.

FURTHERMORE, while I continue to permit remote spiritual and religious services, and while I continue to classify religious counseling as an essential activity that may be conducted in person if it is not possible to provide those counseling services remotely, I now hereby order that religious services may also be provided as a drive-in service, with one household per vehicle, but only so long as participants fully comply with requirements that will be issued as soon as possible, but no later than May 15, 2020, and with the social distancing requirements and coronavirus related hygiene recommended by the Washington State Department of Health.

FURTHERMORE, I continue to permit the low-risk activities previously permitted, including some outdoor recreation as reflected in Emergency Proclamation 20-25.2 and its accompanying guidance materials issued April 27, 2020, as well as the business activities reflected or clarified in formal guidance documents issued on March 25, 2020 (construction), March 27, 2020 (real estate and mortgage), March 31, 2020 (general guidance) and April 29, 2020 (construction).

FURTHERMORE, I hereby order that the data and science supports re-opening additional low-risk activities during Phase I, including the business activities listed below. Re-opening these low-risk activities may occur when participants are able to fully comply with the industry-specific requirements that will be issued as soon as possible but no later than May 15, 2020, which, at a minimum, will require compliance with the social distancing and hygiene requirements indicated by the Washington State Department of Health:

- Landscaping and lawn care
- Vehicle and vessel sales
- Pet walking
- Retail (curb-side pick-up orders only)
- Car washes

FURTHERMORE, in collaboration with the Washington State Department of Health, in furtherance of the physical, mental, and economic well-being of all Washingtonians, I will continue to analyze the data and epidemiological modeling and adjust the Safe Start Washington re-opening plan accordingly.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military

Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

All persons are again reminded that no credentialing program or requirement applies to any activities or operations under this Proclamation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required social distancing while engaging in the phased modifications of the mandatory social distancing requirements, I may be forced to reinstate the prohibitions established in earlier proclamations.

Signed and sealed with the official seal of the state of Washington on this 4th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

Exhibit 18



Safe Start Washington

A Phased Approach to Recovery

ISSUED BY THE OFFICE OF THE GOVERNOR | MAY 4, 2020



Safe Start Washington

Governor Jay Inslee

Governor Jay Inslee, in collaboration with the Washington State Department of Health, has established a data-driven approach to reopen Washington and modify physical distancing measures while minimizing the health impacts of COVID-19.

This approach reduces the risk of COVID-19 to Washington's most vulnerable populations and preserves capacity in our health care system, while safely opening up businesses and resuming gatherings, travel, shopping, and recreation. The plan involves assessing COVID-19 activity in the state along with health care system readiness, testing capacity and availability, case and contact investigations, and ability to protect high-risk populations.



COVID-19 DISEASE ACTIVITY

Before reopening Washington and modifying physical distancing measures, COVID-19 disease burden must be low and decreasing as measured by:

- Number and trend of [COVID-19 cases, hospitalizations and deaths in Washington State](#)
- Modeling data, including [Institute for Disease Modeling](#) on Puget Sound area rates of COVID-19 spread, University of Washington [Institute for Health Metrics and Evaluation](#) modeling, and [Youyang Gu](#) modeling
- Mobility trends in Washington State, including [WSDOT traffic data](#) and [Google Mobility Data](#)

READINESS AND CAPABILITIES NEEDED

The Department of Health and local public health officials will monitor data to assess our state's readiness for safely reopening and modifying physical distancing measures. In addition to a low and decreasing disease burden, readiness must be achieved in four key areas to proceed from where we are now in the "Stay Home, Stay Healthy" order (Phase I) to Phase II, III and IV of the plan. The four key areas include healthcare system readiness, testing capacity and availability, case and contact investigations, and ability to protect high-risk populations. The overall goals for each area, along with the pertinent data that will be considered, are detailed below.





1. Health Care System Readiness

Adequate bed capacity, staffing and supplies in the health care system to handle a surge in COVID-19 cases, measured by:

- Number and percentage of licensed beds and ICU beds available in hospitals
- Number of available ventilators
- Days of personal protective equipment (PPE) supply available at hospitals, long-term care facilities, and other health care settings
- Ability of the state to fill high priority PPE requests from local emergency management agencies
- Ability of hospitals and other health care facilities to surge and coordinate movement of patients



2. Testing Capacity and Availability

Ability for everyone with COVID-19 symptoms and those with high-risk exposures to be tested immediately using a polymerase chain reaction (PCR) test and rapidly receive test results as measured by:

- Geographic distribution of testing sites and ability to serve the entire population
- Number and capacity of laboratories in Washington performing COVID-19 testing
- Availability of sufficient swabs, viral transport media, lab reagents, and other materials required for COVID-19 testing
- Number of tests performed per day



3. Case and Contact Investigations

Ability to rapidly isolate those with COVID-19, identify and quarantine their contacts, and provide case management services as measured by:

- Number of investigators trained and working
- Plans for case management
- Availability of isolation and quarantine facilities in local jurisdictions
- Percent of cases investigated within 24 hours of receipt of positive test report
- Percent of contact investigations initiated within 48 hours of receipt of positive test report





4. Ability to Protect High-Risk Populations

Ability to immediately respond to outbreaks in congregate settings, such as long-term care facilities, behavioral health facilities, agricultural worker housing, homeless shelters and correctional facilities, and address the needs of other high-risk populations, including the elderly and the medically frail, measured by:

- Number of outbreaks in long-term care facilities
- Demographic data, including race/ethnicity data, on COVID-19 cases, hospitalizations and deaths
- Ability of local or state strike teams with adequate PPE to respond to an outbreak within 24 hours

ALL INDIVIDUALS AND BUSINESSES

Until there is an effective vaccine, effective treatment or herd immunity, it is crucial to maintain some level of community interventions to suppress the spread of COVID-19 throughout all phases of recovery. This includes heightened protections for the health and safety of workers in essential sectors, people living and working in high-risk facilities (e.g., senior care facilities) and all other workers.

All Washingtonians have a responsibility to protect themselves and others. Each phase, while allowing for additional services to open and return to full capacity, is grounded in the following required basic practices:

Guidance for Individuals

All phases – Individuals should continue to:

- Engage in physical distancing, staying at least six feet away from other people
- Wear cloth face coverings in public places when not eating or drinking (cloth face coverings should not be placed on children younger than 2 years of age, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cover without assistance)
- Stay home if sick
- Avoid others who are sick
- Wash hands frequently with soap and water (use hand sanitizer if soap and water are not available)
- Cover coughs and sneezes
- Avoid touching eyes, nose and mouth with unwashed hands
- Disinfect surfaces and objects regularly

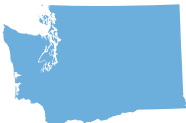


Requirements for All Employers

All phases – Employers are required to:

- Maintain the six-foot physical distancing requirements for employees and patrons. Adopt other prevention measures such as barriers to block sneezes and coughs when physical distancing is not possible for a particular job task.
- Provide services while limiting close interactions with patrons.
- Provide adequate sanitation and personal hygiene for workers, vendors and patrons. Ensure employees have access to hand washing facilities so they can wash their hands frequently with soap and running water.
- Ensure frequent cleaning and disinfection of the business, particularly of high-touch surfaces.
- Identify personal protective equipment (PPE) and cloth facial coverings in accordance with L&I requirements on facial coverings and industry specific COVID-19 standards. Provide the necessary PPE and supplies to employees.
- Identify strategies for addressing ill employees, which should include requiring COVID-19 positive employees to stay at home while infectious, and potentially restricting employees who were directly exposed to the COVID-19 positive employee. Follow CDC cleaning guidelines to deep clean after reports of an employee with suspected or confirmed COVID-19 illness. This may involve the closure of the business until the location can be properly disinfected.
- Educate employees about COVID-19 in a language they best understand. The education should include the signs, symptoms and risk factors associated with COVID-19 and how to prevent its spread.
- On a case-by-case basis, as directed by federal, state and local public health and workplace safety officials, implement other practices appropriate for specific types of businesses, such as screening of employees for illness and exposures upon work entry, requiring non-cash transactions, etc.
- Follow requirements in [Governor Inslee's Proclamation 20-46 High-Risk Employees – Workers' Rights](#).
- Keep a safe and healthy facility in accordance with state and federal law, and comply with COVID-19 worksite-specific safety practices, as outlined in Governor Inslee's "Stay Home, Stay Healthy" Proclamation 20-25, and in accordance with the Washington State Department of Labor & Industries [General Coronavirus Prevention Under Stay Home, Stay Healthy Order](#) and the Washington State Department of Health [Workplace and Employer Resources & Recommendations](#).
- Challenge Seattle and the Washington Roundtable have developed a [business checklist](#) which is a great starting point for businesses as they prepare for a Safe Start. Our shared goal is to establish clear requirements that everyone can understand and apply — employers, workers and customers.

Businesses are also expected to implement any additional requirements developed specifically for their industry, such as those that have been established for construction.



PHASED APPROACH TO REOPENING WASHINGTON AND MODIFYING PHYSICAL DISTANCING MEASURES

Phase I of reopening Washington begins on May 5, 2020. When COVID-19 disease burden is low and decreasing and the four above capabilities are met, the Governor will issue an order for the state to move into future phases. The state will stay in every phase for a **minimum of three weeks**. During that time, the Department of Health and the Governor will re-evaluate the above indicators and determine if the state should remain in the current phase, advance to the next phase or return to the previous phase. No phase will last less than three weeks before moving to the next phase, in order to allow one complete disease incubation period plus an additional week to compile complete data and confirm trends.

The following table shows the phased approach for reopening businesses and resuming activities not authorized under Proclamation 20-25. **This phased approach may be adjusted as the pandemic evolves.** The industries listed are not an exclusive or exhaustive list of industries. Businesses listed in each phase of the plan will have industry-specific guidance and safety criteria developed to ensure workplace safety and public health are maintained. Those business activities are not authorized to open until the industry-specific guidance and safety criteria are issued.

A number of different factors were considered when deciding which activities could be resumed and which businesses could be reopened in various phases. These factors included:

- Risk of disease spread during the individual or business activity
- Number of people who could potentially be infected during the individual or business activity
- Economic benefits to opening the business
- Individual benefits to opening the business

Additional plans for a phased approach to restarting health care and educational activities are under development.

Families are adjusting to a new way of life, and we understand the impacts this is having on them. The connection between education, childcare, youth sports, summer programs and extracurricular activities is critical and must be viewed from a holistic lens to ensure equity and high quality of life. As we prepare for what the reopening of school looks like, we will be working closely with the Department of Health, Office of the Superintendent for Public Instruction, Department of Children, Youth and Families, and parents to release plans in the future.





While childcare is currently an essential business activity and a key component to the reopening plan, we know there is more to do. The state will continue efforts to ensure adequate access and affordability for families.



WASHINGTON'S PHASED APPROACH

Modifying Physical Distancing Measures as we Reopen the State

INDIVIDUALS AND BUSINESSES SHOULD FOLLOW ALL REQUIREMENTS LISTED ABOVE DURING ALL PHASES

	 Phase 1	 Phase 2	 Phase 3	 Phase 4
High-Risk Populations*	Continue to Stay Home, Stay Healthy	Continue to Stay Home, Stay Healthy	Continue to Stay Home, Stay Healthy	Resume public interactions, with physical distancing
Recreation	Some outdoor recreation (hunting, fishing, golf, boating, hiking)	Outdoor recreation involving fewer than 5 people outside your household (camping, beaches, etc.)	<ul style="list-style-type: none"> - Outdoor group recreational sports activities (5–50 people) - Recreational facilities at <50% capacity (gyms, public pools, etc.) - Professional sports without audience participation (horseracing, baseball, etc.) 	Resume all recreational activity
Gatherings (social, spiritual)	<ul style="list-style-type: none"> - None - Drive-in spiritual service with one household per vehicle 	Gather with no more than 5 people outside your household per week	Allow gatherings with no more than 50 people	Allow gatherings with >50 people
Travel	Essential travel and limited non-essential travel for Phase I permissible activities	Essential travel and limited non-essential travel for Phase I & II permissible activities	Resume non-essential travel	Continue non-essential travel
Business/Employers	<ul style="list-style-type: none"> - Essential businesses open - Existing construction that meets agreed upon criteria - Landscaping - Auto/RV/Boat/ORV sales - Retail (curb-side pick-up orders only) - Car washes - Pet walkers 	<ul style="list-style-type: none"> - Remaining manufacturing - Additional construction phases - In-home/domestic services (nannies, housecleaning, etc.) - Retail (in-store purchases allowed with restrictions) - Real estate - Professional services/office-based businesses (telework remains strongly encouraged) - Hair and nail salons/barbers - Pet grooming - Restaurants <50% capacity table size no larger than 5 	<ul style="list-style-type: none"> - Restaurants/taverns <75% capacity/ table size no larger than 10 - Bar areas in restaurant/taverns at <25% capacity - Movie theaters at <50% capacity - Customer-facing government services (telework remains strongly encouraged) - Libraries - Museums - All other business activities not yet listed except for nightclubs and events with greater than 50 people 	<ul style="list-style-type: none"> - Nightclubs - Concert venues - Large sporting events - Resume unrestricted staffing of worksites, but continue to practice physical distancing and good hygiene

* High-risk populations are currently defined by CDC as: persons 65 years of age and older; people of all ages with underlying medical conditions (particularly not well controlled), including people with chronic lung disease or moderate to severe asthma, people who have serious heart conditions, people who are immunocompromised, people with severe obesity, people with diabetes, people with chronic kidney disease undergoing dialysis, and people with liver disease; people who live in a nursing home or long-term care facility.

COUNTY VARIANCE REQUESTS

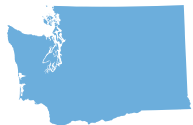
The Department of Health recognizes that there are currently some small counties with a population of less than 75,000 that have not identified a resident with COVID-19 for the past three weeks. These counties have the opportunity to apply for a variance to move to Phase II of this plan before the rest of the state. To apply for a variance, the local jurisdiction must follow the below process and submit the following materials to the Department of Health. County variance applications will be approved or denied by the Secretary of Health.

1. The process must adhere to the following steps:

- a. The local public health officer must submit a signed recommendation to the local board of health with one of the following recommendations: not request a variance and stay in Phase I, request a variance to include all of the Phase II modifications above, or request a variance to include a subset of Phase II modifications.
- b. The local board of health, if they choose to move forward with a variance request, must vote on such a request.
- c. The local hospital(s) must submit a letter certifying that they have adequate bed capacity to serve their community and adequate PPE supplies to keep their workers safe.
- d. The county commission/council must request to move to Phase II (or a subset of Phase II) of the plan.

2. The county commissioner must submit a letter requesting a variance, the letter from the local hospital certifying they have adequate bed capacity to serve their community and adequate PPE supplies to keep their workers safe, and a document that includes the following information to the Department of Health:

- a. Plans to make COVID-19 testing available and accessible to everyone in the county with symptoms consistent with COVID-19.
- b. The number of tests performed by week over the past three weeks.
- c. The number of people trained and ready to perform case investigations and contact tracing.
- d. Plans to house people in isolation or quarantine who do not have a home or wish to isolate or quarantine themselves outside of their home.
- e. Plans to provide case management services to cases and contacts in isolation and quarantine.
- f. Plans to rapidly respond to outbreaks in congregate settings.



3. Included with this application are documents demonstrating approvals and endorsements for all of the following:

- a. The local public health officers' recommendation to the Board of Health.
- b. Documentation of the vote of the Board of Health, including the motion and the vote totals.
- c. Letters from all hospitals used by the county certifying their bed capacity for COVID-19 patients and PPE supplies.
- d. Documentation of the vote of the county commission, including the vote totals.

In the next two weeks, the Department of Health and Governor Inslee will consider additional criteria which could include cases per capita for allowing other counties to apply for a variance. Local jurisdictions will be allowed to partially implement a phase.



Exhibit 19

JAY INSLEE
Governor



STATE OF WASHINGTON
Office of the Governor

TO: Interested Stakeholders

FROM: Governor Jay Inslee

DATE: May 6, 2020

SUBJECT: Religious and Faith-based Organization Guidance – Stay Home Stay Healthy
Safe Start Washington – Phase 1: Drive-in Services

This memorandum outlines the criteria for conducting drive-in spiritual services under Phase 1 and is effective as of May 6, 2020. These requirements apply to all drive-in spiritual services as long as Gubernatorial Proclamation 20-25, or any extension thereof, is in effect or if adopted as rules by a federal, state or local regulatory agency.

Phase 1: Drive-in spiritual services are permitted; however, each vehicle may only be occupied by members of the same household.

Attendees

1. All persons attending the service must drive up in an enclosed vehicle and remain in that same vehicle during the entire service. Individuals should not get out of their vehicle during the service for any reason.
2. Vehicle windows, sunroofs and convertible tops must remain closed during the entire service, unless the vehicle is parked more than six feet from any other vehicle.
3. No more than 10 people may be in a single vehicle.
4. Each vehicle may only be occupied by members of the same household who have already been in close contact with each other and are not sick.

Employees

1. All employees and employers must follow current Washington Department of Health, Washington Department of Labor and Industries, and CDC guidelines.
2. No food, beverages, or other materials (whether for religious or secular purpose) may be distributed or collected before, after, or as part of the service.
3. If it is necessary to collect a physical offering, the organizer may utilize a drop-box while vehicles are entering or leaving the service, provided that vehicles and individuals remain at all times at least six feet apart. Accepting online donations is the best practice.

Exhibit 20

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-25, 20-25.1, 20-25.2 and 20-25.3**

20-25.4

**TRANSITION FROM “STAY HOME – STAY HEALTHY” TO
“SAFE START – STAY HEALTHY” COUNTY-BY-COUNTY PHASED
REOPENING**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20-25, 20-25.1, 20-25.2 and 20-25.3 (*Stay Home – Stay Healthy*), prohibiting all people in Washington State from leaving their homes except to participate in essential services or essential work and preventing all non-essential businesses in Washington State from conducting business, within the limitations therein; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, when I last amended the *Stay Home – Stay Healthy* order (Proclamation 20-25.3) on May 4, 2020, there were approximately 15,462 cases of COVID-19 in Washington State with 841 deaths; and, now, as of May 31 2020, the Department of Health indicated that there have been 21,349 cases and 1,118 deaths, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the health professionals and epidemiological modeling experts predict that although we have passed the peak of the first wave of COVID-19 in the State and we have made adequate progress as a state to modify some of the initial community mitigation efforts, the nature of COVID-19 viral transmission, including both asymptomatic and symptomatic spread as well as the relatively high infectious nature, suggests it is appropriate to slowly re-open Washington State only through a careful, phased, and science-based approach. Modelers continue to agree that fully relaxing social distancing measures will result in a sharp increase in the number of cases; and

WHEREAS, although the judicial system, an essential service, has undergone significant disruption and modification to operate safely during this crisis, and by order of the Supreme Court has delayed most jury trials in criminal and civil matters, in-person proceedings are necessary in many circumstances, and the judicial system is currently working with health officials to innovate and plan for the safe resumption of jury trials and other court services including at offsite facilities; and the efforts undertaken to innovate and plan are equally essential to the resumption of our judicial system, and should be conducted remotely if possible but otherwise may be conducted in person if appropriate physical distancing and protective measures are in place; and

WHEREAS, this unprecedented health crisis has caused extraordinary anxiety and a significant disruption of routine and important activities for every Washingtonian; and I recognize the extraordinary resiliency, strength, adaptability, and courage of every Washingtonian during this difficult time; and

WHEREAS, many people in Washington State attend religious services on a regular basis, making such services a vital part of the spiritual and mental health of our community, and previous guidance issued related to remote services, drive-in services, counseling, outdoor services, and Phase 2 indoor services, all subject to restrictions outlined in those guidance documents, remain in place and may be further expanded or modified as the science and data support; and

WHEREAS, the science also suggests that by ensuring safe social distancing and hygiene practices, many business activities can be conducted with limited exposure to customers, which is important to revitalizing Washington State's economy, restoring jobs, and providing necessary goods and services; and

WHEREAS, in Proclamation 20-25.3 I established an initial four-phased approach to reopening Washington State; and, while all counties started in Phase I on May 4, 2020, a total of 28 counties are now either in or eligible to apply for Phase 2; and

WHEREAS, the Washington State Department of Health's data and modeling demonstrate that many counties have significantly reduced or eliminated the number of new COVID-19 cases sufficiently to enable those counties to control and respond to virus outbreaks within the capacity of existing local and regional health care systems without significant increased risk of being overwhelmed, and this data supports

providing all counties with an opportunity to lift some restrictions, subject to certain conditions and requirements; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3 (*Stay Home – Stay Healthy*) are amended to extend all of the prohibitions and each expiration date therein to 11:59 p.m. on July 1, 2020, and are renamed (*Safe Start – Stay Healthy*), and that except as otherwise provided in this order or the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#), all other provisions of Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3 shall remain in full force and effect.

FURTHERMORE, in collaboration with the Washington State Department of Health, and based on analysis of the data and epidemiological modeling, I hereby order that, beginning on June 1, 2020, the *Safe Start Washington Phased Reopening Plan* will be applied on a county-by-county basis, and will allow any county that has been in Phase 1 or 2 for three weeks to apply to the Secretary of Health to move in whole or in part to the next phase; and further, the application process will include target metrics (intended to be applied as “targets” and not hard-line measures) set by the Secretary of Health, and the application must be submitted by the County Executive, or, in the absence of a County Executive, with the approval of the County Council or Commission, in accordance with the instructions provided by the Secretary of Health; and

FURTHERMORE, in evaluating any application to move forward, the Secretary of Health may approve a county moving in whole to the next phase, or may only approve certain activities moving to the next phase; and

FURTHERMORE, until there is an effective vaccine, effective treatment or herd immunity, it is crucial to maintain some level of community interventions to suppress the spread of COVID-19 throughout all phases of recovery; and, therefore, throughout all phases, individuals should continue to engage in personal protective behaviors including: practice physical distancing, staying at least six feet away from other people; wear cloth face coverings in public places when not eating or drinking; stay home if sick; avoid others who are sick; wash hands frequently; cover coughs and sneezes; avoid touching eyes, nose and mouth with unwashed hands; and disinfect surfaces and objects regularly; and

FURTHERMORE, I hereby order, in addition to other requirements detailed in the *Safe Start Washington* Phased Reopening Plan, that, beginning on June 8, 2020, when on the job, all employees must wear a facial covering except when working alone or when the job has no in-person interaction as detailed in the *Safe Start Washington* Phased Reopening Plan; and, further, that employers must provide cloth facial coverings to employees, unless their exposure dictates a higher level of protection; and

FURTHERMORE, I continue to permit the low-risk activities previously permitted as reflected or clarified in formal guidance documents [here](#), and which may be updated or modified as the science and data supports; and

FURTHERMORE, in collaboration with the Washington State Department of Health, in furtherance of the physical, mental, and economic well-being of all Washingtonians, I will continue to analyze the data and epidemiological modeling and adjust the *Safe Start Washington* Phased Reopening Plan accordingly.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

All persons are again reminded that no credentialing program or requirement applies to any activities or operations under this Proclamation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

This order goes into effect on June 1, 2020, and expires at 11:59 pm on July 1, 2020.

Signed and sealed with the official seal of the state of Washington on this 31st day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

Exhibit 21



Safe Start Washington

Phased Reopening County-By-County

ISSUED BY THE OFFICE OF THE GOVERNOR | MAY 31, 2020



Safe Start Washington – Phased Reopening County-by-County

Governor Jay Inslee

Governor Jay Inslee, in collaboration with the Washington State Department of Health, has established a data-driven approach to reopen Washington and modify physical distancing measures while minimizing the health impacts of COVID-19. Washington will move through the phased reopening county-by-county allowing for flexibility and local control to address COVID-19 activity geographically.

This approach reduces the risk of COVID-19 to Washington's most vulnerable populations and preserves capacity in our health care system, while safely opening up businesses and resuming gatherings, travel, shopping and recreation.

The plan involves assessing COVID-19 activity along with health care system readiness, testing capacity and availability, case and contact investigations, and ability to protect high-risk populations. The plan allows counties and the secretary of Health to holistically review COVID-19 activity and the ability for the county to respond when determining if a county is ready to move into a new phase.

County Application Process

On June 1, each county begins in their current phase. Any county can apply to the secretary of Health to move to the next phase. The application process will require the county to report on key metrics set by the secretary of Health along with other quantitative and qualitative data. The application must be submitted by the county executive, in accordance with the instructions provided by the secretary of Health. If the county does not have a county executive, it must be submitted with the approval of the county council/commission.

The secretary of Health will evaluate county applications based on how their data for the key metrics compare to the targets and their ability to respond to situations that may arise in their county, including outbreaks, increased hospitalizations or deaths, health system capacity and other factors. The metrics are intended to be applied as targets, not hardline measures. The targets each contribute to reducing risk of disease transmission, and are to be considered in whole. Where one target is not fully achieved, actions taken with a different target may offset the overall risk. A final decision on whether a county is ready to move to the next phase rests with the secretary of Health. The secretary may approve a county moving in whole to the next phase, or may only approve certain activities in the next phase depending on a specific county's situation.



A county that remains in Phase 1 has the ability to apply for a modified Phase 1 (as described below) to allow additional activity. That application would be submitted to the secretary of Health. The secretary of Health has discretion to modify or change any part of the modified Phase 1 to address the needs of a specific county. All activities must follow the health and safety requirements for those activities.

COVID-19 DISEASE ACTIVITY

COVID-19 disease burden is measured by the following key metrics:

COVID-19 Disease Activity	
Metric	Target
1. Incidence of new cases reported during prior two weeks	<25 cases / 100,000 / 14 days
2. Trends in hospitalizations for lab-confirmed COVID-19	Flat or decreasing
3. Reproductive rate (if available)	$R_e < 1$

READINESS AND CAPABILITIES NEEDED

The Department of Health and local public health officials will monitor data to assess a county's readiness for safely reopening and modifying physical distancing measures. In addition to disease burden, readiness will be evaluated in four key areas. The four key areas include health care system readiness, testing capacity and availability, case and contact investigations, and ability to protect high-risk populations. Key metrics and their targets for each area, along with other pertinent data that will be considered, are detailed below.



1. Health Care System Readiness

Adequate bed capacity, staffing and supplies in the healthcare system to handle a surge in COVID-19 cases, measured by the following key metrics:

Health Care System Readiness

Metric	Target
1. % licensed beds occupied by patients (i.e., hospital census relative to licensed beds)	<ul style="list-style-type: none"> Green: <80% Yellow: 81-90% Red: >90%
2. % licensed beds occupied by suspected and confirmed COVID-19 cases	<ul style="list-style-type: none"> Green: <10% Yellow: 11-20% Red: >20%

Other data that will be considered include availability of PPE in hospitals, long term care facilities and other healthcare settings and availability of ventilators in hospitals.

2. Testing Capacity and Availability

Ability for everyone with COVID-19 symptoms and those with high-risk exposures to be tested immediately using a polymerase chain reaction (PCR) test and rapidly receive test results as measured by the following key metrics:

Testing

Metric	Target
1. Average number of tests performed per day during the past week (or average % tests positive for COVID-19 during the past week)	50 times the number of cases (or 2%)
2. Median time from symptom onset to specimen collection during the past week	Median <2 days

Other data that will be considered include the geographic distribution of testing sites in counties, the ability to test the entire population, and the availability of sufficient swabs, viral transport media, lab reagents and other materials required for COVID-19 testing.



3. Case and Contact Investigations

Ability to rapidly isolate those with COVID-19, identify and quarantine their contacts, and provide case management services as measured by the following key metrics:

Case & Contact Investigations

Metric	Target
1. Percent of cases reached by phone or in person within 24 hours of receipt of + lab test report	90%
2. Percent of contacts reached by phone or in person within 48 hours of receipt of + lab test report on a case	80%
3. Percent of cases being contacted daily (by phone or electronically) during their isolation period	80%
4. Percent of contacts being contacted daily (by phone or electronically) during their quarantine period	80%

Other data that will be considered include the number of investigators trained and working, the availability of isolation and quarantine facilities, and plans for case management.

4. Ability to Protect High-Risk Populations

Ability to immediately respond to outbreaks in congregate settings, such as long-term care facilities, behavioral health facilities, agricultural worker housing, homeless shelters and correctional facilities, and address the needs of other high-risk populations, including the elderly and the medically frail, measured by the following key metric:

Protect High-Risk Populations

Metric	Target
1. Number of outbreaks reported by week (defined as 2 or more non-household cases epidemiologically linked within 14 days in a workplace, congregate living or institutional setting)	0 - small counties (<75,000) 1 - medium counties (75,000-300,000) 2 - large counties (>300,000) 3 - very large counties (>1 million)

Other data that will be considered include a county's ability to rapidly respond to an outbreak and address health disparities in their communities.



ALL INDIVIDUALS AND BUSINESSES

Until there is an effective vaccine, effective treatment or herd immunity, it is crucial to maintain some level of community interventions to suppress the spread of COVID-19 throughout all phases of recovery. This includes heightened protections for the health and safety of workers in essential sectors, people living and working in high-risk facilities (e.g., senior care facilities) and all other workers.

All Washingtonians have a responsibility to protect themselves and others. Each phase, while allowing for additional services to open and return to full capacity, is grounded in the following required basic practices:

Guidance for Individuals

All phases – Individuals should continue to:

- Engage in physical distancing, staying at least six feet away from other people
- Wear cloth face coverings in public places when not eating or drinking (cloth face coverings should not be placed on children younger than 2 years of age, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cover without assistance)
- Stay home if sick
- Avoid others who are sick
- Wash hands frequently with soap and water (use hand sanitizer if soap and water are not available)
- Cover coughs and sneezes
- Avoid touching eyes, nose and mouth with unwashed hands
- Disinfect surfaces and objects regularly

Requirements for All Employers

All phases – Employers are required to:

- Beginning June 8, all employees will be required to wear a cloth facial covering, with the following exceptions: when working alone in an office, vehicle, or at a job site; if the individual is deaf or hard of hearing, or is communicating with someone who relies on language cues such as facial markers and expression and mouth movements as a part of communication; if the individual has a medical condition or disability that makes wearing a facial covering inappropriate; or when the job has no in-person interaction. Employers must provide cloth facial coverings to employees, unless their exposure dictates a higher level of protection under the Department of Labor and Industries' safety and health rules and guidance. Refer to [Coronavirus Facial Covering and Mask Requirements](#) for additional details. Employees may choose to wear their own facial



coverings at work, provided it meets the minimum requirements.

- Keep a safe and healthy facility in accordance with state and federal law, and comply with COVID-19 worksite-specific safety practices, as outlined in Governor Inslee’s Proclamation 20-25, and all amendments and extensions thereto, and in accordance with the Washington State Department of Labor & Industries’ [General Coronavirus Prevention](#) under the “Stay Home, Stay Healthy” order and the Washington State Department of Health’s [Workplace and Employer Resources and Recommendations](#).
- Educate workers in the language they understand best about coronavirus and how to prevent transmission, and the employer’s COVID-19 policies.
- Maintain minimum six-foot separation between all employees (and customers) in all interactions at all times. When strict physical distancing is not feasible for a specific task, other prevention measures are required, such as use of barriers, minimizing staff or customers in narrow or enclosed areas, and staggering breaks and work shift starts.
- Provide (at no cost to employees) and require the wearing of personal protective equipment (PPE), such as gloves, goggles, face shields and face masks as appropriate or required for the work activity being performed. Cloth face coverings must be worn by every employee not working alone on the job site unless their exposure dictates a higher level of protection under L&I safety and health rules and guidance. Refer to Washington Coronavirus Hazard Considerations for Employers (except COVID-19 care in hospitals and clinics) [Face Coverings, Masks, and Respirator Choices](#) for additional details. Cloth face coverings are described in the [Department of Health guidance](#).
- Ensure frequent and adequate hand washing with adequate maintenance of supplies. Use disposable gloves where safe and applicable to prevent virus transmission on tools or other items that are shared.
- Establish a housekeeping schedule that includes frequent cleaning and sanitizing with a particular emphasis on commonly touched surfaces
- Screen employees for signs/symptoms of COVID-19 at the start of their shift. Make sure sick employees stay home or immediately go home if they feel or appear sick. Cordon off any areas where an employee with probable or confirmed COVID-19 illness worked, touched surfaces, etc. until the area and equipment is cleaned and sanitized. Follow the [cleaning guidelines](#) set by the Centers for Disease Control to deep clean and sanitize.
- [Post a sign](#) strongly encouraging customers to wear cloth facial coverings, and prominently display it at the entrance to the business so that it is immediately noticeable to all customers entering the store. Employers are encouraged to require customers to wear cloth facial coverings, in order to protect their employees.
- Follow requirements in Governor Inslee’s [Proclamation 20-46 High-Risk Employees – Workers’ Rights](#).



Businesses are also required to implement any health and safety requirements developed specifically for their industry.

Challenge Seattle and the Washington Roundtable have developed a [business checklist](#) which is a great starting point for businesses as they prepare for “Safe Start Washington”. Our shared goal is to establish clear requirements that everyone can understand and apply – employers, workers and customers.

PHASED APPROACH TO REOPENING WASHINGTON COUNTY-BY-COUNTY AND MODIFYING PHYSICAL DISTANCING MEASURES

A county will stay in every phase for a **minimum of three weeks**. During that time, the Department of Health, County Elected Leadership, Local Health Jurisdictions, and the governor will re-evaluate the above targets. No phase will last less than three weeks before moving to the next phase, unless moving to a previous phase, in order to allow one complete disease incubation period plus an additional week to compile complete data and confirm trends. After three weeks, a county may apply to move to the next phase through the application provided by the secretary of Health.

If a county experiences an increase in COVID-19 disease activity and they need to return to an earlier phase, they must notify the secretary of Health and include their rationale but they do not need prior approval. Alternatively, the secretary has the authority to return a county to an earlier phase if the county chooses not to do so on its own, and the secretary has identified a need to do so. The secretary must notify a county in writing and provide a rationale for it being moved to an earlier phase.

The following table shows the phased approach for reopening businesses and resuming activities. **This phased approach may be adjusted as the pandemic evolves.** The industries listed are not an exclusive or exhaustive list of industries. Businesses listed in each phase of the plan will have industry-specific guidance and safety criteria developed to ensure workplace safety and public health are maintained. Those business activities are not authorized to open until the industry-specific guidance and safety criteria are issued.

If a county is not ready to move from Phase 1 to Phase 2, they have the ability apply for a modified Phase 1. The secretary of Health has discretion to modify or change any part of the modified Phase 1 to address the needs of a specific county. All activities must follow the health and safety requirements for those activities. The modified Phase 1 could include the following Phase 2 activities with the specific modifications to the previously issued health and safety requirements listed below.



- **High-risk populations**
 - Strongly encouraged, but not required, to stay home unless engaging in modified Phase I permissible activities.
- **Recreation and fitness**
 - Only allowed outdoor with five (not including the instructor) or fewer people outside of household.
- **Gatherings**
 - Only allowed outdoor of five or fewer people outside the household.
- **Additional construction**
 - As outlined in Phase 2 guidance.
- **Manufacturing operations**
 - As outlined in Phase 2 guidance.
- **Real estate**
 - 25% of building occupancy.
 - Indoor services limited to 30 minutes.
- **In-store retail**
 - 15% of building occupancy. (This does not apply to currently operating essential retail such as grocery stores. Currently operating essential retail should continue to follow the Phase 2 requirements.)
 - Indoor services limited to 30 minutes.
- **Personal services**
 - 25% of building occupancy.
- **Professional services**
 - 25% of building occupancy.
 - Indoor services limited to 30 minutes for customers.
- **Photography**
 - As outlined in Phase 2 guidance.
- **In-home/domestic services**
 - As outlined in Phase 2 guidance.
- **Pet grooming**
 - 25% of building occupancy.
- **Restaurants**
 - No indoor dining allowed.
 - Outdoor dining is permitted but seating at 50% of existing outdoor capacity.

Additional plans for a phased approach to restarting health care, spiritual gatherings, professional sports, and educational activities are under development and will be released separately.



Families are adjusting to a new way of life, and we understand the impacts this is having on them. The connection between education, child care, youth sports, summer programs and extracurricular activities is critical and must be viewed from a holistic lens to ensure equity and high quality of life. As we prepare for what the reopening of school looks like, we will be working closely with the Department of Health, Office of the Superintendent for Public Instruction, Department of Children, Youth and Families, and parents to release plans in the future.





While child care is currently an essential business activity and a key component to the reopening plan, we know there is more to do. The state will continue efforts to ensure adequate access and affordability for families.



WASHINGTON'S PHASED APPROACH

Modifying Physical Distancing Measures

INDIVIDUALS AND BUSINESSES SHOULD FOLLOW ALL REQUIREMENTS LISTED ABOVE DURING ALL PHASES

	 Phase 1	 Phase 2	 Phase 3	 Phase 4
High-Risk Populations*	Stay home unless engaging in Phase 1 permissible activities.	Strongly encouraged, but not required, to stay home unless engaging in Phase 1 or Phase 2 permissible activities.	Strongly encouraged, but not required, to stay home unless engaging in Phase 1, 2, or 3 permissible activities.	Resume public interactions, with physical distancing
Recreation	Some outdoor recreation (hunting, fishing, golf, boating, hiking)	Outdoor recreation involving 5 or fewer people outside your household (camping, beaches, etc.)	<ul style="list-style-type: none"> - Outdoor group rec. sports activities (50 or fewer people) - Recreational facilities at <50% capacity (gyms, public pools, etc.) 	Resume all recreational activity
Gatherings (non religious)	No gatherings	Gather with no more than 5 people outside your household per week	Allow gatherings with no more than 50 people	Allow gatherings with >50 people
Travel	Essential travel and limited non-essential travel for Phase I permissible activities	Essential travel and limited non-essential travel for Phase I & II permissible activities	Resume non-essential travel	Continue non-essential travel
Business/ Employers (All businesses will be required to follow safety plans written by the state)	<ul style="list-style-type: none"> - Essential businesses open - Existing construction that meets agreed upon criteria - Landscaping - Auto/RV/boat/ORV sales - Retail (curb-side pick-up orders only) - Car washes - Pet walkers 	<ul style="list-style-type: none"> - Remaining manufacturing - Additional construction phases - In-home/domestic services (nannies, housecleaning, etc.) - Retail (in-store purchases allowed with restrictions) - Real estate - Professional services/office-based businesses (telework remains strongly encouraged) - Personal services (hair and nail salons/barbers, tattoo, etc.) - Pet grooming - Restaurants/taverns <50% capacity, table size no larger than 5 (no bar-area seating) - Limited small group fitness - Drive-in Movie Theaters - Library (curbside pick-up) 	<ul style="list-style-type: none"> - Restaurants/taverns <75% capacity/ table size no larger than 10 - Bar areas in restaurant/taverns at <25% capacity - Theaters at <50% capacity - Customer-facing government services (telework remains strongly encouraged) - Libraries - Museums - All other business activities not yet listed except for nightclubs and events with greater than 50 people 	<ul style="list-style-type: none"> - Nightclubs - Concert venues - Large sporting events - Resume unrestricted staffing of worksites, but continue to practice physical distancing and good hygiene

* High-risk populations are currently defined by CDC as: persons 65 years of age and older; people of all ages with underlying medical conditions (particularly not well controlled), including people with chronic lung disease or moderate to severe asthma, people who have serious heart conditions, people who are immunocompromised, people with severe obesity, people with diabetes, people with chronic kidney disease undergoing dialysis, and people with liver disease; people who live in a nursing home or long-term care facility.

Exhibit 22

Phase 1 and 2 Religious and Faith-based Organization COVID-19 Requirements

With frequent reports of spiritual gatherings becoming COVID-19 “superspreader” events in which a single service results in dozens of new COVID-19 infections, if possible, spiritual worship should continue to be done remotely or at a drive-in service. But if spiritual worship must be done in-person, the following requirements must be employed.

Religious and faith-based organizations are permitted to, provided all requirements in this document are met:

- Phase 1** Hold outdoor services on the organization’s property (or immediately adjacent property if explicitly permitted by the local jurisdiction) with up to 100 individuals, excluding organization staff.
- Phase 2** Hold indoor services at a place of worship with up to 25% capacity or 50 individuals, whichever is less, (excluding organization staff) and
- Hold or provide in-home services or counseling inside a person’s residence with up to 5 total individuals (excluding organization staff).

Any organization volunteers are included in the maximum number of permissible individuals. The services covered in these operational guidelines include all worship services, religious study classes, religious ceremonies, religious holiday celebrations, weddings, and funerals.

Organizations are strongly encouraged to keep a log of attendees at each service or counseling session, and to retain that log for at least two weeks. If an outbreak occurs, this information may be critical to help save lives.

Safety and Health Requirements

All organizations (including religious and faith-based organizations) have a general obligation to keep a safe and healthy facility in accordance with state and federal law, and comply with the following COVID-19 organization-specific safety practices, as outlined in Governor Jay Inslee’s “Stay Home, Stay Healthy” Proclamation 20-25, and in accordance with the Washington State Department of Labor & Industries [General Requirements and Prevention Ideas for Workplaces](https://www.doh.wa.gov/Coronavirus/workplace) and the Washington State Department of Health Workplace and Employer Resources & Recommendations at <https://www.doh.wa.gov/Coronavirus/workplace>.

Religious and faith-based organizations must specifically ensure operations follow the main L&I COVID-19 requirements to protect employees, members, and visitors:

- Educate all employees in the language in which they are most proficient about coronavirus, how to prevent transmission, and the owner’s COVID-19 policies.

- Screen employees for signs/symptoms of COVID-19 at the start of every shift. Make sure sick employees stay home or immediately go home if they feel or appear sick. Cordon off any areas where an employee with probable or confirmed COVID-19 illness worked, touched surfaces, etc., until the area and equipment is cleaned and disinfected. Follow the cleaning guidelines set by the CDC to deep clean and disinfect.
- Maintain minimum six-foot separation between all employees, members, and visitors in all interactions and at all times. When strict physical distancing is not feasible for a specific task, other prevention measures are required, such as use of barriers, minimization of individuals in narrow, enclosed areas and waiting rooms, staggered breaks, and work shift starts.
- Provide personal protective equipment (PPE) such as gloves and face coverings as appropriate or required to employees for the activity being performed. Require employees to use PPE as appropriate or required for the activity being performed. A facial covering must be worn by every individual not alone at the location unless their exposure dictates a higher level of protection under Department of Labor & Industries safety and health rules and guidance. Refer to [Coronavirus Facial Covering and Mask Requirements](#) for additional details. A cloth facial covering is described in the Department of Health guidance, <https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/ClothFacemasks.pdf>.
- Ensure frequent and adequate hand washing with adequate maintenance of supplies. Use single use disposable gloves, where safe and applicable, to prevent transmission on items that are touched frequently or shared and discard after a single use.
- Establish a housekeeping schedule that includes frequent cleaning and sanitizing with a particular emphasis on commonly touched services.

A location-specific COVID-19 Supervisor shall be designated by the organization at each location (indoor and outdoor) to monitor the health of employees and enforce the COVID-19 safety plan.

An employee may refuse to perform unsafe work, including hazards created by COVID-19. And, it is unlawful for the employer to take adverse action against an employee who has engaged in safety-protected activities under the law if their work refusal meets certain requirements.

Employees who choose to remove themselves from a worksite because they do not believe it is safe to work due to the risk of COVID-19 exposure may have access to certain leave or unemployment benefits. Employers must provide high-risk individuals covered by Proclamation 20-46 with their choice of access to available employer-granted accrued leave or unemployment benefits if an alternative work arrangement is not feasible. Other employees may have access to expanded family and medical leave included in the Families First Coronavirus Response Act, access to use unemployment benefits, or access to other paid time off depending on the circumstances. Additional information is available at <https://www.lni.wa.gov/agency/outreach/paid-sick-leave-and-coronavirus-covid-19-common-questions>.

All religious and faith-based organizations are required to comply with the following COVID-19 organization-specific safety practices:

1. Prior to beginning operations as described in this document, all religious and faith-based organizations are required to develop for each location (indoor and outdoor if applicable) a comprehensive COVID-19 exposure control, mitigation and recovery plan. The plan must include policies regarding the following control measures: PPE utilization; on-location physical

distancing; hygiene; sanitation; symptom monitoring; incident reporting; location disinfection procedures; COVID-19 safety training; exposure response procedures and a post-exposure incident project-wide recovery plan. A copy of the plan must be available at the location for inspection by state and local authorities, but state and local authorities are not required to preapprove the plan. Failure to meet planning requirements may result in sanctions, including the location being shut down.

2. COVID-19 safety information and requirements, such as CDC, DOH, OSHA posters shall be visibly posted at each location (indoor and outdoor).
3. Authorized access to the organization's indoor location should primarily be through the front door. Other access points should be kept closed.
4. All employees, members, and visitors in attendance shall wear face coverings before, during, and after the service (whether indoor or outdoor).
5. There may be no direct physical contact between servers and members or visitors. Anything to be consumed may not be presented to the members or visitors in a communal container or plate.
6. No choirs shall perform during the service. Singing is permitted, but individuals must not remove their face coverings to sing – it must stay on for the duration of the service.
7. All services may provide access to restrooms, provided that access is controlled and limited to no more than 2 people at a time. Individuals waiting to use the restroom must maintain at least 6 feet of distance between each person.
8. Soap and running water shall be abundantly provided at locations for frequent handwashing. Employees should be encouraged to leave their workstations to wash their hands regularly, and required to do so before and after going to the bathroom, before and after eating and after coughing, sneezing or blowing their nose. Alcohol-based hand sanitizers with greater than 60% ethanol or 70% isopropanol should also be provided and used, but are not a replacement for the water requirement.
9. Disinfectants must be available to employees, members, and visitors throughout the location (indoor and outdoor) and ensure cleaning supplies are frequently replenished.
10. Clean and disinfect high-touch surfaces after each use—including personal work stations, mirrors, chairs, headrests and armrests, doorknobs, handrails, restrooms and breakrooms—using soapy water, followed by the appropriate disinfectants. If these areas cannot be cleaned and disinfected frequently, the organization shall be shut down until such measures can be achieved and maintained.
11. All organizations must adhere to physical distancing requirements and have six feet of space between workstations or have physical barriers between them.

12. All organizations must adhere to physical distancing requirements and have six feet of space between the congregation's seats, pews, and benches or have physical barriers between them. Members of the same household may be seated together as a single unit. This may require the organization to reconfigure the congregation's seats, pews, and benches or have physical barriers between them. The organization must place markings on the floors and seats indicating a six feet radius to help guide members and visitors.
13. Increase ventilation rates where feasible. Evaluate ventilation and utilize U.V. filters with a higher MERV rating.
14. Ensure that tissues and trashcans are placed throughout the location (indoor and outdoor).
15. Inform all employees, members, and guests that they must self-screen for signs and symptoms of COVID-19 before arriving at the location.
 - Request employees, members, and visitors to take their temperature before attending a service. Any individual with a temperature of 100.4°F will not be permitted to attend the service or attend work at the organization.
 - Any individual with a household member who has been diagnosed with COVID-19 or with symptoms of COVID-19 (including a fever above 100.4°F) may not attend the service or attend work at the organization.
16. For in-home services, religious and faith-based organizations are permitted to convene up to 5 individuals, excluding organization staff. These individuals do not need to be from the same household. However, individuals must wear face coverings when individuals from outside of the household participate.

General questions about how to comply with the agreement practices can be submitted to the state's Business Response Center at <https://coronavirus.wa.gov/how-you-can-help/covid-19-business-and-worker-inquiries>.

All other violations related to Proclamation 20-25 can be submitted at <https://bit.ly/covid-compliance>.

Exhibit 23

Guidelines for Enforcement of Governor Inslee's COVID-19 Proclamations

The risks created by COVID-19 requires an unprecedented response from our communities, first responders, healthcare providers, law enforcement, state and local leaders, and all of us individually. Since February 29, 2020, Governor Inslee has issued numerous proclamations aimed at reducing the spread of the virus and providing for the needs of Washingtonians. The response has been strong with the vast majority of individuals and businesses following the directives of the Governor. However, there have been numerous questions about enforcement issues that have arisen at the state and local levels.

The purpose of these guidelines is to provide recommendations that will allow for a consistent response across the state in the event that there is a need for enforcement of the proclamations. Voluntary compliance is the absolute goal. We want to encourage individuals and businesses to comply by educating them about the proclamations, the reasons for compliance and, if necessary and appropriate, the possible consequences for failure to comply.

Level	Business	Individual	Notes
Initial report of an individual or business violating proclamation	<ol style="list-style-type: none"> 1) If a report is made to coronavirus.wa.gov regarding a business, the report will be referred to the appropriate state agency for review and action based on their regulatory authority. 2) If the business is not regulated by Department of Health (DOH), Department of Licensing (DOL), Washington State Liquor and Cannabis Board (LCB) or Labor and Industries (L&I), the complainant will be directed to contact local law enforcement. 3) If the report is made directly to local law enforcement rather than coronavirus.wa.gov, law enforcement will evaluate the report and respond according to their agency process and protocol. The law enforcement agency should not refer the complainant to coronavirus.wa.gov without first determining if the person has already submitted a complaint to coronavirus.wa.gov and has been directed to contact law enforcement because DOH, DOL, LCB, or L&I do not regulate the business. 	The local law enforcement agency is the appropriate referral for calls about individuals or private groups/gatherings.	<p>Coronavirus.wa.gov has a link to report businesses licensed by a state agency that are violating the Governor's proclamation, particularly the Stay Home-Stay Healthy proclamation, 20-25.</p> <p>Complaints regarding individuals or private groups who are not following the proclamation should be reported to the local law enforcement agency who will respond based on their policies and resources.</p>

Individual or business declines to comply after contact and education	<p>1) The state agency with regulatory authority over the business will make initial contact with the business if appropriate based on the complaint and the authority of the agency. State agencies will need to prioritize contacts based on the volume of referrals and other agency responsibilities, particularly as related to COVID-19 response activities.</p> <p>2) The initial contact by the agency will be to provide education on the proclamation and requirements. If the business declines to follow the proclamation requirements, the state agency will take further action as appropriate. Action taken by the agency may include, but is not limited to, any of the following: warning, suspension, violation, revocation of a license.</p>	The local law enforcement agency is the appropriate referral for calls about individuals or private groups/ gatherings.	<p>The goal of the compliance process is to encourage voluntary compliance by educating the individual or business on the proclamation requirements and consequences for failure to comply.</p> <p>The initial contact by law enforcement or an agency should be primarily focused on education.</p> <p>If a business fails to comply after contact and education, the state agency response would include progressive accountability for continued noncompliance.</p> <p>Law enforcement agencies will determine appropriate actions based on the law enforcement agency policy. It is not contemplated that incarceration would be an alternative unless there was a public safety threat beyond following the proclamation.</p>
Individual or business continues to decline to follow the proclamation after contact by the appropriate state agency	<p>If a business continues to decline to follow the proclamation, they could be subject to criminal charges and/or Consumer Protection Act violations.</p> <p>The case will be referred to local law enforcement for potential criminal citation or referral to the prosecuting attorney for criminal charges and/or referral to the Attorney General's Office for review for a Consumer Protection Act violation.</p> <p>For liquor license businesses, the LCB may potentially consider criminal citations in addition to the license sanctions for continued non-compliance.</p>	The local law enforcement is the appropriate referral for calls about individuals or private groups/ gatherings.	Contact by the local law enforcement/ Attorney General's Office for enforcement action is a last resort when there is a continuing public health concern due to non-compliance with the Governor's proclamation. The goal of the contact is to encourage voluntary compliance.